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Credit Including One Hour
of Ethics**



Back in Omaha!

Law of the Missouri River

Water Rights, Management and Policy

October 14-15, 2004 • Sheraton Hotel • Omaha

Who Should Attend:

- Attorneys
- Governmental Regulators
- Consultants
- Engineers
- Water Districts and Users
- Environmental Representatives
- Tribal Representatives
- Agricultural and Ranching Professionals

...and anyone else involved in the regulation, use, acquisition and development of water rights on the Missouri River!

- Why Missouri River Conflict Resolution Efforts Have Failed
- The Reach and Limits of the ESA
- Impacts to Authorized Uses in the Upper Basin of the Missouri River...Is There a Better Way?
- Habitat Destruction as a Take Under the ESA
- Re-Engineering Rivers—Restoring Alluvial Processes in a Controlled Environment
- Restoration, Authorization and ESA Issues
- Modernizing Missouri River Management
- Litigation Update: Status of the Multi-District Proceedings; Appeals and Outlook for the Future—Are We Headed to the U.S. Supreme Court?
- Long-Term Solutions in the Missouri River Basin
- The Missouri River Recovery Implementation Committee
- Implementation of the Non-Flow Related Requirements of the BiOp in Relation to the Missouri and Kansas Systems
- Missouri River: A River of Many Uses
- The Effects of Missouri River Flows on Power Generation



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Register Online at www.cle.com or Call (800) 873-7130
Conference Schedule and Speaker Biographies Inside



Thursday, October 14

Friday, October 15

- 8:30 Registration
- 9:00 **Introduction and Welcome**
Robert J. Vincze, Esq., Of Counsel, Program Co-Chair
Greenberg Traurig, Denver, CO
- 9:15 **Perpetual Discord**
Why Missouri River Conflict-Resolution Efforts Have Failed
John E. Thorson, Esq., Administrative Law Judge
California Public Utilities Commission, San Francisco, CA
- 10:15 Morning Break
- 10:30 **Re-Engineering Rivers**
Restoring Alluvial Processes in a Controlled Environment;
Authorization and Implementation
John I. Remus, II, PE, Chief, Sedimentation and Channel Stabilization Section, Hydrologic Engineering Branch
U.S. Army Corps of Engineers, Omaha, NE
- 11:15 **Rivers and the Endangered Species Act**
The Reach and Limits of the ESA
Robert J. Vincze, Esq., Of Counsel, Program Co-Chair
- 12:00 Q&A Panel
Members of the Faculty
- 12:15 Lunch Break
- 1:30 **Modernizing Missouri River Management**
Giving Recreation and Fish and Wildlife a Fair Shake
Chad Smith, Director, Missouri River Field Office
American Rivers, Lincoln, NE
- 2:30 **Impacts to Authorized Uses in the Upper Basin of the Missouri River... Is There a Better Way?**
Impacts of the Management Decisions and Recent Drought to Authorized Uses Such as Sport Fisheries, Irrigation and Municipal Water Supplies
Wayne Nelson-Statsny, Fishery Biologist
South Dakota Game Fish and Parks Missouri River Fisheries Center
Fort Pierre, SD
- 3:15 Afternoon Break
- 3:30 **Habitat Destruction as a Take Under the ESA**
Proof Problems and Agency Deference
Bill Bryan, Esq., Deputy Chief Counsel
Environmental Protection Division
Missouri Attorney General's Office, Jefferson City, MO
- 4:15 **Power Generation**
The Effects of Missouri River Flows on Power Generation
Brian L. Barels, Water Resources Manager
Nebraska Public Power District, Columbus, NE
- 5:00 Adjourn

- 9:00 **Introduction**
Overview of Day Two
Lawrence J. Cieslik, PE, Program Co-Chair
U.S. Army Corps of Engineers, Omaha, NE
- 9:15 **Litigation Update**
Summary of the Current Status of the Multi-District Proceedings; Appeals and Outlook for the Future—Are We Headed to the U.S. Supreme Court?
Thomas R. Wilmoth, Esq.
Fennemore Craig, Lincoln, NE
- 10:15 Morning Break
- 10:30 **Long-Term Solutions in the Missouri River Basin**
Thinking Outside the Box
David D. Cookson, Esq., Special Counsel
Nebraska Attorney General's Office, Lincoln, NE
- 11:15 **The Missouri River Recovery Implementation Committee**
Practical Analysis
Rosemary C. Hargrave, Project Manager, Missouri River
U.S. Army Corps of Engineers, Omaha, NE
- 12:00 Lunch Break
- 1:15 **Back to the River**
Restoration, Authorization and ESA Issues
Steven G. Oltmans, General Manager
Papio-Missouri River Natural Resources District, Omaha, NE
- 2:00 **Ethics**
Multidisciplinary and Multijurisdictional Practice for the Environmental Lawyer
Philip J. Willson, Esq.
Willson & Pechacek, Council Bluffs, IA
- 3:00 **Implementation of the Non-Flow Related Requirements of the BiOp**
In Relation to the Missouri and Kansas Systems
Michael D. George, Project Manager
Planning, Programs and Project Management Division
U.S. Army Corps of Engineers, Omaha, NE
- 3:45 **Missouri River: A River of Many Uses**
Can They All Co-Exist?
Michael D. Wells, Deputy Division Director and Chief of Water Resources, Geological Survey and Resource Assessment Division
Missouri Department of Natural Resources, Jefferson City, MO
- 4:30 Adjourn

Upcoming

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| Western Water Law
September 13-14, Denver | Endangered Species Act
October 21-22, Denver |
| Florida Wetlands
September 27-28, Tampa | California Water Law
October 28-29, San Diego |
| Endangered Species Act
October 14-15, Austin | Land Use Law
November 4-5, Cleveland |

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<p>Program Co-Chairs</p> <p>Lawrence J. Cieslik has served with the Corps for 28 years. He currently serves as Chief of Missouri River Water Management; Directorate of the Missouri River; and Deputy Director of Civil Works and Management. He most recently served as Chief of the Missouri River Reservoir Control Center.</p> <p>Robert J. Vincze has over 20 years of legal experience and emphasizes environmental and administrative law. He has extensive experience with the Endangered Species Act and its application to development projects and to river systems. He is steering committee counsel for many downstream interests in the present multidistrict litigation regarding the flows of the Missouri River (<i>In re: Operation of the Missouri River System Litigation</i>).</p>	<p>Michael D. George is a civil works project manager in the Planning, Programs and Project Management Division for the U.S. Army Corps of Engineers. He is responsible for budgeting, scheduling and team leadership for the Biological Opinion on the Missouri River. Previously, he was Chief of the Environment and Land Management Section.</p> <p>Rosemary C. Hargrave has over 23 years of experience with the U.S. Army Corps of Engineers. Previously, she served as the Nebraska State Program Manager and the Chief of Field Operations for the Omaha District.</p> <p>Wayne Nelson-Statsny is a fishery biologist whose research has focused on the impacts of water management of the Missouri River to sport fisheries in mainstream reservoirs. He has worked closely with state officials in legal matters and the development of recommendations toward improved management of the Missouri River.</p>	<p>John E. Thorson is an Administrative Law Judge with the California Public Utilities Commission, where he hears water, energy, and telecommunications cases. He is an attorney and water policy consultant with twenty years of experience in the natural resources field. For a decade, he was Special Master for Arizona's general stream adjudications. Appointed by the Arizona Supreme Court in 1990, he served as the Chief Judicial Hearing Officer in both the Gila and Little Colorado River adjudications.</p> <p>Michael D. Wells represents Governor Holden on all interstate water issues. He joined the Department in June 2001 after spending 34 years with the USDA, Natural Resources Conservation Service-NRCS (formerly Soil Conservation Service). During his career with NRCS, he worked in Arkansas, Oklahoma, and Missouri, primarily with the agency's water resources programs.</p>
<p>Brian L. Barels' responsibilities include, legal, regulatory and strategic initiatives, FERC compliance, water rights administration and the planning and scheduling of operations for the Sutherland Project.</p> <p>Bill Bryan protects Missouri's interest in environmental and natural resources matters. He has experience litigating and negotiating water management, water quality, and federal facility disputes. He is a principal author of the recently published <i>Summary of Missouri Water Law</i>.</p> <p>David D. Cookson practices 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 in the U.S. Supreme Court. He has negotiated and structured settlements of two interstate original actions.</p>	<p>Steven G. Oltmans has focused on conservation and wise management of natural resources for his District since 1986. He is the former General Manager for both the Lower Elkhorn Natural Resources District and the Maple Creek Watershed Board.</p> <p>John I. Remus, II, has worked for the Corps for 19 years and is a member of its Committee on Channel Stabilization. He is responsible for the execution of the Omaha District's mission related to sedimentation and channel stabilization and environmental restoration projects.</p> <p>Chad Smith directs the American Rivers Missouri River Field Office in Lincoln and leads the organization's Missouri River Voyage of RecoverySM campaign. He focuses on habitat restoration, reforming dam operations and riverfront revitalization.</p>	<p>Philip J. Willson has served on the Iowa State Bar's Multidisciplinary Practice Committee and the Iowa Supreme Court's Model Rules of Professional Conduct Committee. He received the Iowa State Bar Association Award of Merit in 1985 and the President's and Community Service Awards in 2000.</p> <p>Thomas R. Wilmoth practices natural resources, water and public land law, with an emphasis on water rights and Endangered Species Act litigation. He serves as a Special Assistant Attorney General to the State of Nebraska in multidistrict litigation concerning the flow regime of the Missouri River. He also represents the Nebraska Public Power District in the Missouri River litigation.</p> <p>CLE International Program Attorney: Laura Terlisner Mehew, Laura@cle.com</p>

conference **information**

<p>Continuing Education Credit (MCLE/Engineering)</p> <p>MCLE: This has been approved in Kansas and Colorado for a maximum of 14 hours of MCLE credit, including one hour of ethics. This course has been approved for a maximum of 11 hours of continuing legal education credit, including one hour of ethics, in Iowa, North Dakota, Missouri and Montana.</p> <p>Engineering: This course meets the requirements for Engineering Continuing Education Credit.</p> <p>CLE INTERNATIONAL is an approved provider in all states having mandatory CLE requirements. For accreditation in other jurisdictions or disciplines, please call CLE INTERNATIONAL at 303-377-6600.</p> <p>Registration</p> <p>Advance registration is recommended, and you are encouraged to mail in your registration early. Or simply call in your registration or home study order to 800-873-7130, fax the Registration/Order Form to 303-321-6320, register online at www.cle.com, or e-mail your registration to registrar@cle.com. Full payment is due at the time of registration. Walk-in registrations will be subject to space availability. Please call CLE INTERNATIONAL at 303-377-6600 if you require any special accommodations.</p>	<p>Conference Location and Accommodations</p> <p>The Conference will be held at the Sheraton Hotel located at 1615 Howard Street, Omaha, NE 68102. A block of rooms has been set aside for Conference attendees until September 13.</p> <p>For room reservations and special rates, please call Community World Travel at 888-724-0500 or visit www.communityworldtravel.com.</p> <p>Sponsorship Information</p> <p>Sponsorship and exhibition opportunities are still available. For more information, please contact Sarah Neenan, Marketing Coordinator, at (303) 377-6600 or sarah@cle.com.</p> <p>Tuition</p> <p>The tuition fee of \$595 per person includes attendance at all sessions, course materials, continental breakfasts, and coffee breaks. CLE INTERNATIONAL offers special rates for 501(c)(3) organizations, full-time judges, and law students.</p> <p>Save When Two or More Register</p> <p>Save \$200 or more with our multiple registrant discount! The tuition fee is only \$495 per person for two or more registering from the same firm.</p>	<p>Course Materials</p> <p>Each registrant will receive a set of course materials, prepared by the speakers especially for this Conference, which will be a valuable future reference. The course materials alone are available for \$95 plus \$10 shipping and handling.</p> <p>Homestudy Package</p> <p>If you cannot attend, CLE INTERNATIONAL also offers a complete audio transcript of the Conference (including all course materials) for \$595 plus \$10 shipping and handling. This package has been approved for self-study.</p> <p>Cancellation</p> <p>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 Friday prior to the Conference. Substitutions may be made at any time.</p> <p>About CLE International</p> <p>CLE INTERNATIONAL, a leading provider of continuing professional education, has been presenting high-quality programs nationwide since 1983.</p>
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