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**14th Annual SuperConference!**

# New Mexico Water Law

**Practical Information and Issue Analysis**

**August 7-8, 2006 • Eldorado Hotel and Spa • Santa Fe**

**Conference Sponsored By:**



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**Who Should Attend:**

- Attorneys and Legal Staff
  - Appraisers
  - Real Estate Professionals
  - Planners
  - Engineers
  - Tribal Representatives
  - Government Officials
  - Water District Representatives
  - Agricultural Professionals
  - City and County Representatives
  - Environmental Scientists
- ... and anyone interested in water law issues!

**It's here—the 2006 New Mexico Water Law SuperConference!**

The event you wait for all year has arrived. Educational and extensive, this is the must-attend annual program for anyone involved in water rights and water quality in New Mexico.

Organized *by* water professionals *for* water professionals, this Conference brings you expert speakers, continuing education credit, and valuable networking opportunities.

"This was a well organized conference. Thanks for all the great topics and speakers." –2004

"Good seminar, great presentations, presenters seemed very knowledgeable and experienced." –2004

**Your registration includes:**

- Access to New Mexico's top experts
- Breakfasts, breaks, and networking reception with faculty and colleagues
- Top-notch course materials—invaluable as a future reference

**Featuring Speakers From:**

**Interstate Stream Commission • Office of the State Engineer  
City of Santa Fe • New Mexico Environment Department  
University of New Mexico School of Law  
... and some of the top law firms in the country!**



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



**Monday, August 7** **Tuesday, August 8**

8:15 Registration and Continental Breakfast

8:45 **Introduction and Overview**  
*John B. Draper, Esq., Program Co-Chair*  
 Montgomery & Andrews, Santa Fe, NM

9:00 **Overview of Current Rulemaking and Other Policy Initiatives**  
 From the Office of the State Engineer  
**John R. D'Antonio, Jr., PE, State Engineer and Secretary, Interstate Stream Commission**  
 Office of the State Engineer, Santa Fe, NM

9:45 Morning Break

10:00 **Middle Rio Grande Water Management**  
 Hydrology and Water Administration  
**D. L. Sanders, Esq., Chief Counsel**  
 Office of the State Engineer, Santa Fe, NM  
**Charles T. DuMars, Esq.**  
 Law & Resource Planning Associates, Albuquerque, NM

11:00 **Keynote Presentation**  
 Federal Water Policy as It Affects New Mexico  
**Senator Jeff Bingaman, Ranking Member Senate Energy and Natural Resources Committee**  
 U.S. Senate, Washington, DC (Invited)

11:45 Q&A Panel  
 Members of the Faculty

12:00 Lunch Break

1:15 **Groundwater Modeling**  
 A History  
**Thomas A. Prickett, PE**  
 Urbana, IL

2:00 **Developers Who Bring Water Rights to the Municipality**  
 Municipal Requirements  
**James C. Brockmann, Esq.**  
 Stein & Brockmann, Santa Fe, NM  
**Kyle Harwood, Esq.**  
 City of Santa Fe, NM

3:00 Afternoon Break

3:15 **The (Much) Revised Aamodt Settlement**  
 Forty Years in the Making  
**John W. Utton, Esq.**  
 Sheehan, Sheehan & Stelzner, Albuquerque, NM  
**John Stroud, Esq.**  
 Santa Fe, NM

4:00 **Gila Water Settlement**  
 A Panel Presentation  
**Tanya Trujillo, Esq., General Counsel**  
 New Mexico Interstate Stream Commission, Santa Fe, NM  
**Craig Roepke, ISC Gila Bureau Manager**  
 Office of the State Engineer, Santa Fe, NM  
**Professor Denise D. Fort, Esq.**  
 University of New Mexico School of Law, Albuquerque, NM  
**Todd M. Lopez, Esq.**  
 Lopez, Sakura & Boyd, Santa Fe, NM

5:30 Adjourn to Private Networking Reception

8:45 **Overview and Perspectives**  
 Issues for Day Two  
**Louis W. Rose, Esq., Program Co-Chair**  
 Montgomery & Andrews, Santa Fe, NM

9:00 **Federal Issues Update**  
 U.S. Supreme Court and Court of Appeals Decisions  
**Alletta D. Belin, Esq.**  
 Belin & Sugarman, Santa Fe, NM

9:45 **State Issues Update**  
 NPDES Delegation; Tyrone Permit Appeal; Uranium Standards Appeal  
**Tannis L. Fox, Esq., Deputy General Counsel**  
 New Mexico Environment Department, Santa Fe, NM

10:30 Morning Break

10:45 **Restrictions on Water Use**  
 Environmental Covenants as a Tool in Corrective Actions  
**Dalva L. "Dal" Moellenberg, Esq.**  
 Gallagher & Kennedy, Phoenix, AZ

11:30 **NMED Domestic Wastewater Initiatives**  
 On-Site Liquid Waste Initiatives  
**Dennis McQuillan, Liquid Waste Manager**  
 New Mexico Environment Department, Santa Fe, NM  
 Wellhead Protection and Assessment  
**Ana Marie Ortiz, Esq., Division Director**  
 New Mexico Environment Department, Field Operations Division  
 Santa Fe, NM

12:30 Q&A Panel  
 Members of the Faculty

12:45 Lunch Break

2:00 **Effluent Disposal Wells**  
 The Permitting Process  
**David Brooks, Esq., Assistant General Counsel**  
 New Mexico Energy, Minerals and Natural Resources Department  
 Santa Fe, NM

2:45 Afternoon Break

3:00 **Environmental Liability Buyouts**  
 A General Framework for Discussion  
**Ted Allen, Founder, President, CEO**  
 Environmental Risk Solutions, Cincinnati, OH

3:45 **Ethics**  
 The New Pro Hac Vice Rule and Ethical Problems with Multidisciplinary Practices  
**Peter H. Pierotti, Esq.**  
 City of Albuquerque, NM

4:45 Evaluations and Adjourn

## New Mexico Water Law

# meet your faculty

### Program Co-Chairs

**John B. Draper** has practiced water rights and natural resources law for more than 25 years. He has been counsel of record before the U.S. Supreme Court in two interstate water cases, *Kansas v. Colorado* and *Kansas v. Nebraska*.

**Louis W. Rose** has practiced environmental law, including water quality law, for more than 25 years. He represents clients in permitting, groundwater remediation, rulemaking and enforcement matters.

### Keynote Presenter

**Senator Jeff Bingaman** spent one year as New Mexico Assistant Attorney General and 8 years in private practice. In 1978, he was elected to be the Attorney General of New Mexico. In 1982, he was elected to the U.S. Senate.

**Ted Allen** has over 14 years of experience designing and managing risk financing and implementation strategies to best meet client income statement, balance sheet and cash flow objectives.

**John R. D'Antonio, Jr.**, was previously Cabinet Secretary of the New Mexico Environment Department. He also served as the Director of the Water Resource Allocation Program of the Office of the State Engineer.

**Alletta D. Belin** practices environmental and water law, representing nonprofit organizations, tribal and governmental entities, and some individuals.

**James C. Brockmann** practices water law. His firm has been involved in six original actions in the United States Supreme Court involving interstate water disputes and federal reserved water rights.

**David Brooks** counsels and represents the Department and the Oil Conservation Division. He represents the Oil Conservation Commission in administrative hearings and in rulemaking.

**Charles T. DuMars** and his firm practice resource law not only in New Mexico, but in other states and internationally. He is also Professor Emeritus at the University of New Mexico School of Law.

**Denise D. Fort** teaches environmental law and related subjects. Her writing addresses water policy, river restoration and the economics of water use. She has experience in environmental and natural resources law and policy.

**Tannis L. Fox** and her department enforce a wide array of state environmental statutes, including the state's air quality act, water quality act, hazardous waste act, and solid waste act.

**Kyle Harwood** has served as an environmental health scientist, a clerk to the Federal District Court, an international water policy consultant, and has represented municipalities, schools and individuals in private practice.

**Todd M. Lopez** has over 10 years of varied experience involving natural resources issues. His practice includes a variety of clients involved in all aspects of water rights.

**Dennis McQuillan** currently serves as Manager for the Liquid Waste (Septic Tank) Program for the New Mexico Energy, Minerals and Natural Resources Department.

**Dalva L. "Dal" Moellenberg** focuses on environmental and natural resources law, including remediation projects, compliance counseling and transaction due diligence, permitting, mining law and government relations.

**Ana Marie Ortiz** has worked in the environmental area for over 10 years. Formerly, she was Assistant General Counsel to the Environment Department, where she worked on environmental legal and policy issues impacting New Mexico.

**Peter H. Pierotti** is on the Board of Directors of the Albuquerque Bar Association, and currently serves as Co-Chair of the State Bar of New Mexico Ethics Advisory Committee.

**Thomas A. Prickett** has over 45 years of worldwide experience in groundwater research, aquifer evaluation, well-field development, mining impact analysis, and mass transport investigations.

**Craig Roepke** is the Deputy Director and Chief of the Water Projects Bureau of the Interstate Stream Commission. He has worked for Sandia National Labs and his own marine engineering company.

**D. L. Sanders** is Director of the Litigation and Adjudication Program. He manages all New Mexico water rights adjudications and provides legal counsel to the state engineer.

**John Stroud** has represented New Mexico as Counsel to the State Engineer and to the Interstate Stream Commission. In private practice, he represents the State in Indian water rights cases, including the *Aamodt* adjudication.

**Tanya Trujillo** is general counsel for the New Mexico Interstate Stream Commission. Prior to becoming general counsel, she was a partner at Holland & Hart in Santa Fe, with a practice in water law and natural resources litigation.

**John W. Utton** practices water rights administrative law and water planning, federal and state water rights litigation, including stream system adjudications and endangered species litigation.

# conference information

### Continuing Education Credit

**MCLE:** This course has been approved by the New Mexico Minimum Continuing Legal Education Board for 13 hours of credit, including 1 hour of ethics.

**Real Estate:** This course qualifies for 10 hours of credit from the New Mexico Real Estate Commission.

**Engineers:** This course qualifies for up to 13 hours of Engineering Credit.

For accreditation in other jurisdictions or disciplines, please contact Jill Shannon at (800) 873-7130 or [jill@cle.com](mailto:jill@cle.com).

**CLE INTERNATIONAL** is an approved sponsor in all jurisdictions with mandatory continuing legal education requirements.

### Registration

Advance registration is recommended, and you are encouraged to mail in your registration early. Or simply call in your registration or homestudy order to (800) 873-7130, fax the registration form to (303) 321-6320, register online at [www.cle.com](http://www.cle.com), or email your registration to [registrar@cle.com](mailto:registrar@cle.com). Full payment is due at time of registration. Walk-in registrations will be subject to space availability. Please call **CLE INTERNATIONAL** at (800) 873-7130 if you require any special accommodations.

### Reserve Your Room Early

The Conference will be held at the Eldorado Hotel and Spa, 309 W. San Francisco Street, Santa Fe, NM 87501. To secure your space and get the best rate, please call Community World Travel at (888) 724-0500 or visit [www.communityworldtravel.com](http://www.communityworldtravel.com).

### Tuition

The tuition fee of \$595 per person (\$495 for government employees, 501(c)(3) organizations, full-time judges, law students and paralegals) includes attendance at all sessions, course materials, continental breakfasts, coffee breaks and Monday night's reception.

### Save When Two or More Register

Save \$200 or more with our multiple registrant discount! For two or more registering from the same firm, the tuition is only \$495 per person (\$395 each for two or more government employees, 501(c)(3) organizations, full-time judges, law students and paralegals).

### Sponsorship Information

Sponsorship and exhibition opportunities are still available. For more information, please contact Jill Shannon at (800) 873-7130 or [jill@cle.com](mailto:jill@cle.com).

### Course Materials

Each registrant will receive a set of materials prepared by the speakers especially for this Conference, which will serve as a valuable future reference. The course materials alone are available for \$95 plus \$10 shipping and handling.

### Homestudy Package

**CLE INTERNATIONAL** also offers a complete audio transcript of the Conference (including all course materials) for \$595 plus \$10 shipping and handling. This package may qualify for homestudy credit.

### Cancellation

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 Monday preceding the Conference. Substitutions may be made at any time.

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Meghan Thorson, [meghan@cle.com](mailto:meghan@cle.com).

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Practical Information and Issue Analysis

August 7-8, 2006 • Eldorado Hotel and Spa • Santa Fe

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Federal, State & Municipal Issues

August 7-8, 2006 • Eldorado Hotel and Spa • Santa Fe

**Join over 100  
of Your Colleagues!**

Overview of Current Rulemaking and Other Policy Initiatives  
Middle Rio Grande Water Management • Groundwater Modeling  
Developers Who Bring Water Rights to the Municipality  
The Revised *Aamodt* Settlement • Gila Water Settlement  
Federal and State Issues Update • Restrictions on Water Use  
NMED Domestic Wastewater Initiatives  
Effluent Disposal Wells ... and more!

