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New Mexico Water Law

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John B. Draper, Esq.
Montgomery & Andrews, Santa Fe



Louis W. Rose, Esq.
Montgomery & Andrews, Santa Fe



Featuring Speakers From:

El Paso Water Utilities
GEI Consultants
Haaku Water Office, Pueblo of Acoma
INTERA
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New Mexico Energy, Minerals and Natural Resources Department
New Mexico Environment Department
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Schedule and Instructor Bios Inside ▶

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THURSDAY, AUGUST 6

- 8:00 Registration and Continental Breakfast
- 8:30 **Welcome and Introduction**
Overview of Day One
John B. Draper, Esq., Program Co-Chair
Montgomery & Andrews, Santa Fe
- 8:45 **Featured Presentation**
Update from the State Engineer's Office: Meeting the Challenges of Recent Judicial and Legislative Developments
John R. D'Antonio, PE, State Engineer, and Secretary, Interstate Stream Commission
New Mexico Office of the State Engineer, Santa Fe
- 9:30 Morning Break
- 9:45 **Pecos River Compact Compliance**
Implementation of the Pecos River Settlement
Jay F. Stein, Esq.
Stein & Brockmann, Santa Fe
Tanya Trujillo, Esq., General Counsel
New Mexico Interstate Stream Commission, Santa Fe
- 10:45 **Indian Water Rights Settlements**
Navajo, Aamodt and Others: An Update
Biddah Becker, Esq., Water Rights Unit
Navajo Nation Department of Justice, Window Rock
John W. Utton, Esq.
Sheehan, Sheehan & Stelzner, Albuquerque
- 11:45 Lunch Break
- 1:00 **New Mexico Water Right Markets and Transfers**
Transfer Issues in the Middle Rio Grande Valley and Statewide
Maria O'Brien, Esq.
Modrall Sperlring, Albuquerque
Charles T. DuMars, Esq.
Law & Resource Planning Associates, Albuquerque
- 2:00 **Desalination**
Administrative and Technical Issues
Edmund G. Archuleta, PE, President/CEO
El Paso Water Utilities, El Paso
James C. Brockmann, Esq.
Stein & Brockmann, Santa Fe
Eddie C. Livingston, MSCE, PE, President/Principal Engineer
Livingston Associates, Alamogordo
- 3:15 Afternoon Break
- 3:30 **Physical Surveys of Water Rights**
Historical and Cutting Edge
Tessa T. Davidson, Esq.
Davidson Law Firm, Corrales
David Jordan, PE, Senior Hydrogeologist
INTERA, Albuquerque
- 4:30 **Domestic Wells**
Judicial Decisions and Legislative Initiatives
Stacey J. Goodwin, Esq.
Law Offices of Randall W. Childress, Santa Fe
DL Sanders, Esq., Chief Counsel
New Mexico Office of the State Engineer, Santa Fe
Beverly J. Singleman, Esq.
Hubert & Hernandez, Las Cruces
- 5:45 Adjourn

FRIDAY, AUGUST 7

- 8:30 Continental Breakfast
- 9:00 **Welcome Back**
Overview of Day Two
Louis W. Rose, Esq., Program Co-Chair
Montgomery & Andrews, Santa Fe
- 9:15 **Federal Issues Update**
Update on *Rapanos* and Subsequent Decisions; Legislation to Extend Federal Jurisdiction; Agency Developments
Megan Anderson, Esq.
Western Environmental Law Center, Taos
- 10:00 Morning Break
- 10:15 **State Issues Update**
Federal Administration Change and New Mexico Impacts; *Tyrone* Decision; Legislative and Regulatory Developments
Charles de Saillan, Esq., Assistant General Counsel
New Mexico Environment Department, Santa Fe
- 11:00 **Site-Specific Water Quality Standards**
Technical and Legal Hurdles
Steven P. Canton, Vice President
GEI Consultants, Littleton
- 11:45 Lunch Break
- 1:00 **Ambrosia Valley Uranium Mining District**
One Person's Closure/Permitting Requirement; Another Person's Resource
Bill Brancard, Esq., Division Director, Mining and Minerals
New Mexico Energy, Minerals and Natural Resources Department, Santa Fe
Daniel W. Erskine, PhD, Senior Geologist/Geochemist
INTERA, Albuquerque
Jon J. Indall, Esq.
Comeau, Maldegen, Templeman, and Indall, Santa Fe
Eric Jantz, Esq.
New Mexico Environmental Law Center, Santa Fe
Richard J. Ruffatto, Esq.
Bryan Cave, Phoenix
Laura Watchempino, Esq., Water Quality Specialist
Haaku Water Office, Pueblo of Acoma
Moderator: Louis W. Rose, Esq., Program Co-Chair
- 2:45 Afternoon Break
- 3:00 **Ethics**
Considerations for Advocacy Before State Agencies
Victor Kovach, Esq., Hearing Examiner
New Mexico Office of the State Engineer, Santa Fe
Andrew Knight, Esq., Assistant General Counsel
New Mexico Environment Department, Santa Fe
Hilary Lambertson, Esq., Administrative Litigation Unit
New Mexico Office of the State Engineer, Santa Fe
- 4:00 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? Would you like to learn about sponsorship and exhibit opportunities? Contact **CLE INTERNATIONAL** Program Attorney Stacie Kelly, stacie@cle.com.

PROGRAM CO-CHAIRS

John B. Draper has practiced water rights and natural resources law for more than 30 years. In recent years, he has concentrated on water rights issues, including interstate water rights.

Louis W. Rose has practiced environmental law, including water quality law, for more than 30 years. He represents clients in permitting, groundwater remediation, rulemaking and enforcement matters.

FEATURED PRESENTER

John R. D'Antonio previously served as the Cabinet Secretary of the New Mexico Environment Department and worked with the U.S. Army Corps of Engineers for 15 years.

FACULTY

Megan Anderson works for a nonprofit environmental law firm that represents conservation groups and communities to protect and restore western wildlands and healthy communities.

Edmund G. Archuleta has been in his current position since 1989. Under his management, the Utility has been recognized for leadership in conservation, reclamation and management.

Bidtah Becker is a member of the Navajo Nation, and an attorney in its Department of Justice Water Rights Unit. The Unit pursues the quantification and protection of the Nation's water rights.

Bill Brancard has worked extensively on New Mexico mining issues for over a decade as a government official and as a public and private attorney.

James C. Brockmann has been involved in federal reserved water rights litigation and two original actions before the United States Supreme Court involving interstate water disputes.

Steven P. Canton has 30 years of experience in field sampling of aquatic habitats, water quality/biological data analysis, statistical analysis of stressor effects, water quality standards and expert witness support.

Tessa T. Davidson is a fourth-generation New Mexican and the founding member of her firm. She represents clients in a wide spectrum of water and natural resource issues.

Charles T. DuMars practices natural resource law in New Mexico as well as in other states and internationally.

Charles de Saillan has worked with his current Department since 1999. He previously served as Assistant Attorney General in New Mexico and as a Senior Attorney with the U.S. Environmental Protection Agency.

Daniel W. Erskine has 18 years of experience conducting investigations in geology, hydrology, geochemistry and environmental science.

Stacey J. Goodwin represents regulated public utilities in administrative and appellate proceedings, and represents the Office of the State Engineer on a variety of matters.

Jon J. Indall practices in natural resources and environmental law emphasizing uranium matters. He represents the Uranium Producers of New Mexico and Uranium Producers of America.

Eric Jantz has been a staff attorney with the Center since 2001. He practices in the areas of energy resource development and environmental justice.

David Jordan has 20 years of experience applying quantitative methods such as GIS, remote sensing, and numerical models to solve natural resources and water resources problems.

Victor Kovach has been in his current position since 1998 and has presided over numerous hearings concerning disputed applications for water use permits.

Andrew Knight has represented numerous state agencies in litigation since 2002 and has served as staff counsel to the New Mexico State Senate Judiciary Committee.

Hilary Lambertson has been in her current position since 2004 and has represented the Water Rights Division of her agency in numerous water rights hearings.

Eddie C. Livingston has more than 25 years of experience in water resources engineering, including water and wastewater treatment plant design, brackish water desalination and wastewater reuse.

Maria O'Brien represents clients from both the public and private sectors, primarily in the areas of water resources, water quality and related regulatory matters.

Richard J. Ruffatto has more than 15 years of experience representing engineers, consultants, contractors and subcontractors in transactional matters and litigation.

DL Sanders manages all New Mexico water rights adjudications and provides legal counsel to the State Engineer.

Beverly J. Singleman has over 30 years of experience in water law, water law litigation and mediation.

Jay F. Stein has practiced water law since 1978 throughout the State of New Mexico and the western United States. His firm represents New Mexico, municipalities and private interests in intrastate and interstate matters.

Tanya Trujillo practices in the areas of natural resources litigation and water rights. She was previously a partner at Holland & Hart, with a practice in water law and natural resources litigation.

John W. Utton works in the areas of water rights administration and water planning, land use planning and zoning, real estate development and federal and state water rights litigation.

Laura Watchempino and her Office are responsible for the management of water quality data collection and interpretation, and oversee water resource protection activities at Acoma.

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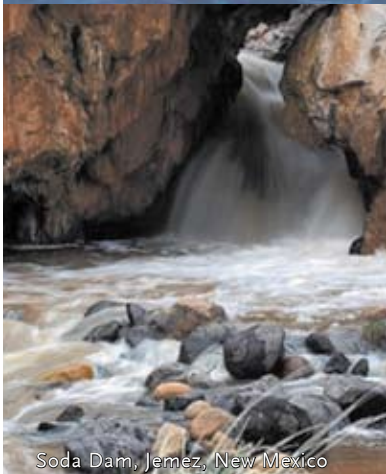
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Featured Presentation

Update from the State Engineer's Office:

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