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OKLAHOMA WATER LAW

Hydraulic Fracturing, Water Supply, Water Quality & More

May 5-6, 2011 • Doubletree Hotel — Downtown • Tulsa

FEATURED PANEL PRESENTATION

Hydraulic Fracturing: Issues and Challenges for Oklahoma



Bruce Baizel, Esq.
Senior Staff Attorney
Oil and Gas Accountability Project
Earthworks, Durango, CO



Robert W. Puls, PHD, Technical Lead, Hydraulic Fracturing Study
US Environmental Protection Agency
Ada



James W. Collins, PE, Member
STRONGER Board, Tulsa



Hannah Wiseman, Esq.
Assistant Professor
University of Tulsa College of Law

FEATURED PRESENTATION

The Oklahoma Comprehensive Water Plan



Kyle Arthur, Director of Planning
Oklahoma Water Resources Board
Oklahoma City

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PROGRAM CO-CHAIRS



Drew L. Kershen joined the University of Oklahoma law faculty in 1971 and teaches courses on agricultural law, legal history, professional responsibility and water rights. He focuses his teaching, research and lecturing on agricultural biotechnology law and policy. He has held visiting professorships at the universities of Kansas, Illinois and Arkansas Little Rock. Mr. Kershen is coauthor of *Farm Products Financing and Filing Service*, written in 1990 with J. Thomas Hardin. He has authored more than 40 other book chapters, grant reports and law review articles.



James C. Milton is an experienced trial and appellate attorney and has developed a rather unique area of practice defending developers and municipal utility authorities against claims asserted by rural water districts. He was a member of the Oklahoma Municipal League's Rural Water Issues Task Force and, in 1999 and 2000, served as principal drafter of proposed legislation and chaired the Task Force's negotiation team. He currently serves as Chairman of the Oklahoma Bar Association Civil Procedure & Evidence Code Committee.



Michael C. Wofford has provided environmental legal services to government, industry, and a variety of individual, not-for-profit, and small business clients for over 30 years. He was Governor David Boren's liaison to the environmental agencies of the State of Oklahoma and served in the Oklahoma State Department of Health (now ODEQ) as counsel to the water quality division and as an enforcement and litigation attorney for water and other the environmental programs.

FEATURED PRESENTERS



Kyle Arthur has worked for the Oklahoma Water Resources Board since October 2007. He is currently directing the development of the Oklahoma Comprehensive Water Plan. Prior to this role, he spent 13 years at the Oklahoma Department of Environmental Quality involved in a variety of programs, including air quality, water quality and solid waste. He is past board member of the Interstate Council on Water Policy and a member of the Advisory Board for the Water Technologies for Emerging Regions Center at the University of Oklahoma.



Bruce Baizel has worked on oil and gas issues throughout North America, at local, state, national and international levels. He has testified before Congress, drafted federal, state and county legislation and ordinances related to oil and gas, participated in state rulemakings and advised numerous local governments on regulation of natural gas. He most recently served on the STRONGER review team, which evaluated the state of Louisiana's hydraulic fracturing regulations.



James W. Collins is currently a member of the board of directors of the State Review of Oil and Natural Gas Environmental Regulations (STRONGER). The board membership consists of three representatives from state oil and gas regulators, three environmentalists and three from the oil industry. Mr. Collins is one of the oil industry board members and represents The Independent Petroleum Association of America. He also chaired the American Petroleum Institute's Exploration and Production Environmental Committee for several years.



Robert W. Puls is a Senior Research Scientist in the Ground Water and Ecosystems Restoration Division. He previously has held the positions of Division Director and Director of Research of the Ground Water and Ecosystems Restoration Division. He has authored and co-authored more than 100 research articles and delivered invited lectures on his research world-wide.



Hannah Wiseman focuses her teaching and research on land use, environmental law, and energy law. She has moderated a panel of state regulators discussing hydraulic fracturing regulation in the Marcellus Shale and has spoken about the law of hydraulic fracturing in Texas, Pennsylvania, and Florida. She also writes and speaks in the areas of renewable energy siting and public-private overlaps in property governance.

FACULTY

Gary Allison, Esq., Vice Dean, Director of Public Policy and Regulation Certificate Program, and Professor
University of Tulsa College of Law

Charles T. Dumars, Esq.
Law & Resource Planning Associates,
Albuquerque, NM

John R. Elrod, Esq.
Connor & Winters, Fayetteville, AR

Diane Hammons, Esq. Attorney General
Cherokee Nation, Tahlequah

Christopher Kenney, Consultant
Kenney and Associates, Roff

David C. Moon, Editor
The Water Report, Eugene, OR

Bruce Noble, Superintendent and Oklahoma State Coordinator
Chickasaw National Recreation Area, Sulphur

Diane Pedicord, Esq., General Counsel and Chief Officer for Corporate Affairs
Oklahoma Municipal League, Oklahoma City

Travis A. Pickens, Esq., Ethics Counsel
Oklahoma Bar Association, Oklahoma City

Judith V. Royster, Professor and Chapman Chair in Law, Co-Director of the Native American Law Center
University of Tulsa School of Law

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CONFERENCE SCHEDULE

THURSDAY, MAY 5, 2011

-
- 8:00 Registration and Continental Breakfast
-
- 8:30 **Welcome and Introduction**
Overview of Day One
James C. Milton, Esq., Program Co-Chair
Doerner Saunders Daniel & Anderson, Tulsa
Michael C. Wofford, Esq., Of Counsel, Program Co-Chair
Doerner Saunders Daniel & Anderson, Oklahoma City
-
- 8:45 **Featured Presentation**
The Oklahoma Comprehensive Water Plan
Kyle Arthur, Director of Planning
Oklahoma Water Resources Board, Oklahoma City
-
- 9:30 **S.B. 288 and the Arbuckle-Simpson Aquifer**
Oklahoma's Experiment in Conjunctive Resource Management
Bruce Noble, Superintendent and Oklahoma State Coordinator
Chickasaw National Recreation Area, Sulphur
-
- 10:15 Networking Break
-
- 10:30 **Municipal Water Supply**
... and Not a Drop to Drink?
Diane Pedicord, Esq., General Counsel and Chief Officer for Corporate Affairs
Oklahoma Municipal League, Oklahoma City
-
- 11:15 **Historical Basis for Tribal Water Rights in Eastern Oklahoma**
Impact of the Founding of Oklahoma on Rights;
Why Eastern Oklahoma Tribal Rights are Different; Current State of the Law
Diane Hammons, Esq. Attorney General
Cherokee Nation, Tahlequah
-
- 12:00 Lunch Break
-
- 1:15 **Who Will Help Us Now?**
The Federal Government's Future Role in Indian Water Rights Claims
Christopher Kenney, Consultant
Kenney and Associates, Roff
-
- 2:00 **Tribal Water Marketing**
What You Need to Know
Judith V. Royster, Esq., Professor and Chapman Chair in Law
Co-Director of the Native American Law Center
University of Tulsa College of Law
-
- 3:00 Networking Break
-
- 3:15 **Wholesale Transfers of Water**
Negotiations and Deal Points; Other Considerations
James C. Milton, Esq., Program Co-Chair
-
- 4:00 **Water Quality Law**
Have We Arrived, or Are We Just Getting Started?
Michael C. Wofford, Esq., Of Counsel, Program Co-Chair
-
- 4:45 **The Illinois River Litigation**
An Update
John R. Elrod, Esq.
Connor & Winters, Fayetteville, AR
-
- 5:30 Adjourn

CONFERENCE SCHEDULE

FRIDAY, MAY 6, 2011

8:00 Continental Breakfast

8:30 **Welcome Back**

Overview of Day Two

Drew L. Kershen, Earl Sneed Centennial Professor of Law, Program Co-Chair
University of Oklahoma College of Law, Norman

8:45 **Featured Panel**

Hydraulic Fracturing: Issues and Challenges for Oklahoma

Bruce Baizel, Esq., Senior Staff Attorney, Oil and Gas Accountability Project
Earthworks, Durango, CO

James W. Collins, PE, Member
STRONGER Board, Tulsa

Robert W. Puls, PHD, Technical Lead, Hydraulic Fracturing Study
US Environmental Protection Agency, Ada

Hannah Wiseman, Esq., Assistant Professor
University of Tulsa College of Law

9:45 Networking Break

10:00 **Featured Panel, Continued**

11:00 **Water Supply, Storage and Tribal Issues**

The Sardis Lake Controversy

David Moon, Editor
The Water Report, Eugene, OR

11:45 Lunch Break

1:00 **Ethics**

Issues for Environmental Practitioners

Travis A. Pickens, Esq., Ethics Counsel
Oklahoma Bar Association, Oklahoma City

2:00 **Riparian Rights**

The Vampires of Oklahoma's Water Law

Gary Allison, Esq., Vice Dean, Director of Public Policy and Regulation Certificate Program, and Professor
University of Tulsa College of Law

2:45 Networking Break

3:00 **Well Exemption Litigation in the West**

Implications for Oklahoma Groundwater Law

Drew L. Kershen, Earl Sneed Centennial Professor of Law, Program Co-Chair

3:45 **Water Supply Solutions**

A Comparison Between Western and Eastern States

Charles T. Dumars, Esq.
Law & Resource Planning Associates, Albuquerque, NM

4:30 **Q&A Panel**

Members of the Faculty

4:45 Evaluations and Adjourn

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