

2005 Texas Water Law Institute
September 29-30, 2005 • Hyatt Regency Austin • Austin, TX

Thursday Morning, Sep. 29, 2005

Presiding Officer:

Jim Mathews, Matthews & Freeland LLP - Austin, TX

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| 9:00 am 0.75 hr | Water Legislation in the 79th Legislative Session The Legislators' perspective—what's done and what's left to be done. Ken Armbrister, Victoria, TX Robert R. Puente, San Antonio, TX |
| 9:45 am 0.75 hr | A Practitioner's Analysis—Water Legislation in the 79th Legislative Session What have they done to us now? Ed McCarthy, Jackson Sjoberg McCarthy & Wilson LLP - Austin, TX |
| 10:45 am 0.50 hr | Evolution of Water Availability Determinations A Historical Analysis—What did they do before the WAM? Timothy L. Brown, Austin, TX |
| 11:15 am 0.75 hr | Development and Use of Current Water Availability Models The Water Availability Models (WAMs) have been developed by the Texas Commission on Environmental Quality to assist in the permitting of surface water rights in Texas. This presentation will give an overview of the uses and limitations of the WAMs. David Harkins Ph.D., P.E, Espey Consultants, Inc. - Austin, TX |

Thursday Afternoon, Sep. 29, 2005

Presiding Officer:

Doug G. Caroom, Bickerstaff, Heath, Delgado & Acosta, LLP - Austin, TX

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| 12:00 pm 0.50 hr | <p>Optional Box Lunch Presentation: “Water Follies: The Environmental Consequences of Groundwater Pumping”</p> <p>The excessive pumping of our aquifers has created an environmental catastrophe known to only a few scientists, a handful of water management experts, and those unfortunate enough to have suffered the direct consequences. As our groundwater use has increased, pumping has caused rivers, springs, lakes, and wetlands to dry up, ground beneath us to collapse, and fish, birds, wildlife, trees, and shrubs to die. This talk will illustrate the scope of the problem with stories from around the country. These water follies are tales of human foibles including greed, stubbornness, and, especially, the unlimited human capacity to ignore reality.</p> <p>Robert J. Glennon, Univ. Of Arizona College Of Law - Tucson, AZ</p> |
| 1:15 pm 0.50 hr | <p>Environmental Flows—Where Are We Now?</p> <p>Discussion of where the State of Texas is now with regard to its environmental flow programs for bay and estuary freshwater inflows and instream flows.</p> <p>Bob Brandes, R.J. Brandes Company - Austin, TX</p> |
| 1:45 pm 0.50 hr | <p>Instream Flows—An Environmental Perspective on Texas Laws</p> <p>A look at instream flow protection in Texas: where we are, how we got here, and what the future may bring.</p> <p>Myron J. Hess, Nat'L Wildlife Federation - Austin, TX</p> |
| 2:15 pm 0.50 hr | <p>REUSE—Will It Ever Flow?</p> <p>A discussion of policy issues before the TCEQ.</p> <p>Duncan C. Norton, Lloyd Gosselink Blevins Rochelle & Town - Austin, TX</p> |
| 3:00 pm 0.50 hr | <p>Survey of Groundwater Management Issues</p> <p>Key issues facing different groundwater districts across the state.</p> <p>Gregory M. Ellis, Attorney At Law - League City, TX</p> |
| 3:30 pm 0.50 hr | <p>The Continuing Evolution of the Regional Planning Process</p> <p>From its birth through its adolescence, regional water planning has moved from innocence to increasing conflict and complexity as it grows and matures.</p> <p>Bill Mullican, Tx Water Development Board - Austin, TX</p> |
| 4:00 pm 0.75 hr | <p>Past, Present, Future—Coordination between Regional Water Planning Groups and Groundwater Conservation Districts</p> <p>Working relationships between Regional Water Planning Groups and Groundwater Conservation Districts since the passage of Senate Bill 1, 1997.</p> <p>Carolyn Brittin, Texas Water Development Board - Austin, TX Robert S. Kier, Robert S. Kier Consulting - Austin, TX Monique M. Norman, Monique Norman, Attorney At Law - Austin, TX</p> |

4:45 pm
0.75 hr

Potential Conflicts of Interests in the Regional Water Planning Process

Conflicts of issues for engineers, consultants, and attorneys participating in the regional planning process.

Thomas C. Gooch, Freese and Nichols, Inc. - Fort Worth, TX
Norman D. Johns Ph.D., National Wildlife Federation - Austin, TX
Steven P. Nichols, University Of Texas - Austin, TX

Friday Morning, Sep. 30, 2005

Presiding Officer:

Doug G. Caroom, Bickerstaff, Heath, Delgado & Acosta, LLP - Austin, TX

8:30 am
0.50 hr

Case Law Update

A survey and analysis of recent decisions and their impact on water law and water rights.

Jim Mathews, Matthews & Freeland LLP - Austin, TX

9:00 am
1.00 hr

CCN's

This topic will explore recent legislation governing Certificates of Convenience and Necessity, and the conflict between property owners and exclusive providers of utility service.

Joe B. Allen III, Allen Boone Humphries LLP - Houston, TX
P. Steven Kosub, San Antonio Water System/Legal Departmen - San Antonio, TX

10:15 am
0.50 hr

Enforcement of Water Rights in Texas—Or the Lack Thereof

A survey of the rules and some of the practicalities associated with enforcing rights to surface water and groundwater.

Renea Hicks, Attorney at Law - Austin, TX

10:45 am
1.00 hr

An Outsider's View of Texas Water Law

A presentation by the former Assistant Secretary of Interior for Water and Science (with responsibility for USGS, USBR and most federal water resources issues).

Bennett W. Raley, Denver, CO

Friday Afternoon, Sep. 30, 2005

Presiding Officer:

Jim Mathews, Matthews & Freeland LLP - Austin, TX

1:00 pm
0.50 hr

Survey of Water Rights Transactions—Public & Private

How different transactions have been structured and the variable pricing to date.

Doug G. Caroom, Bickerstaff, Heath, Delgado & Acosta, LLP - Austin, TX

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| 1:30 pm 1.00 hr | <p>The Value of Water and Water Rights</p> <p>The value of water and water rights understanding and working with valuation methodologies.</p> <p>Martyn C. Glen, Integra Glen Advisors - San Antonio, TX E. Allen Jacobs, Charles River Associates, Inc. - Dallas, TX James Kowis, James Kowis Consulting - Austin, TX</p> |
| 2:45 pm 0.50 hr | <p>Forms & Transactional Issues Involving Private Sales of Water & Water Rights</p> <p>A discussion of common forms and issues used or encountered in groundwater transfers.</p> <p>Grady B. Jolley, Nunley, Davis, Jolley, Cluck & Aelvoet - Boerne, TX Rhonda G. Jolley, Nunley Davis Jolley Cluck Aelvoet LLP - Boerne, TX</p> |
| 3:15 pm 0.75 hr | <p>What Every Lawyer Needs to Know about the New State Bar Grievance Procedures</p> <p>A look at the new State Bar Grievance Procedures and suggestions on how best to navigate them.</p> <p>Xavier G. Medina, Attorney at Law - Austin, TX W. Wade Porter, Allensworth And Porter LLP - Austin, TX</p> |
| 4:00 pm 0.75 hr | <p>Don't Let Legal Ethics Be Your Waterloo: The Fiduciary Duties of Lawyers and More...</p> <p>Legal ethics consists of law, social customs and morality. The three interact with each other. The fiduciary duties of lawyers have been watered down for years. That era is ending; this session provides a look at the path ahead.</p> <p>Michael Sean Quinn, Quinn Hayes & Quinn - Austin, TX</p> |