

2006

# TEXAS WATER LAW INSTITUTE

Earn up to 14.50 Hours of Credit Including 1.00 Hour of Ethics Credit

CEP Credit for Professional Engineers Available



December 6\*, 7-8, 2006  
Radisson Hotel and Suites  
Austin, Texas

\*Optional Wednesday Evening Session—Included in Registration

**SPECIAL \$325 STATE EMPLOYEE REGISTRATION FEE**

2006  
**TEXAS WATER LAW INSTITUTE**

December 6\*, 7-8, 2006 • Radisson Hotel and Suites • Austin, Texas

Earn up to 14.50 Hours of Credit Including 1.00 Hour of Ethics Credit

**\* WEDNESDAY, DECEMBER 6, 2006**

\*Optional session — included in registration.

**5:30 p.m. Registration Opens**

**6:00 p.m. 1.50 hrs**

**Texas Water Law Overview**

An overview of Texas water law cases, statutes and regulations, including vocabulary and acronyms necessary to understanding Texas water law. This session is designed for practitioners unfamiliar with the subject area, as well as non-lawyers, governmental officials, and engineers.

Douglas G. Caroom, Austin, TX  
Jim Mathews, Austin, TX

**7:30 p.m. Adjourn**

**THURSDAY MORNING — DEC. 7, 2006**

**Presiding Officer: Douglas G. Caroom, Austin, TX**

**8:00 a.m. Registration Opens**

Includes continental breakfast.

**8:50 a.m. Welcoming Remarks**

**9:00 a.m. .75 hr**

**Water Issues in the Upcoming 80th Legislative Session**

A look at key water issues at stake in the upcoming legislative session, including updates on interim committee reports and pointers to the key players—new and old—on water issues.

Moderator: Ed McCarthy, Austin, TX  
Sen. Kip Averitt, Chairman, Senate Natural Resources Committee, Austin, TX  
Charles C. Bailey, Lobbyist, Austin, TX  
Rep. Robert R. Puente, Chairman, House Natural Resources Committee, Austin, TX

**9:45 a.m. .75 hr**

**Agency Perspectives on Water Issues in the Upcoming 80th Legislative Session**

Perspective from key administrative agencies—what's done and what is left to be done, including budget issues.

Hon. Joseph B.C. Fitzsimons, Chairman, Texas Parks and Wildlife Commission, San Antonio, TX  
Larry R. Soward, Commissioner, TCEQ, Austin, TX  
J. Kevin Ward, Executive Administrator, Texas Water Development Board, Austin, TX

**10:30 a.m. Break**

**10:45 a.m. .75 hr**

**Groundwater Update**

Recent cases, regulatory developments, and coming issues relative to groundwater rights and

regulations, from both a groundwater conservation district and a property owner perspective.

Gregory M. Ellis, League City, TX  
Michael V. Powell, Dallas, TX

**11:30 a.m. .75 hr**

**Water Reuse—A Major Water Supply in Texas?**

A legal and technical analysis of this important potential source of "new" water to meet future needs. Where are we now? How significant is it? How certain is it? What are the remaining issues to be resolved?

Lyn E. Dean, Austin, TX  
Alan Plummer, Fort Worth, TX

**LUNCH PRESENTATION**

**12:15 p.m. Pick Up Box Lunch**

**12:30 p.m. .75 hr**

**Texas' Ability to Respond to Drought Conditions**

Kathleen Hartnett White, Chairman, TCEQ  
Austin, TX

**THURSDAY AFTERNOON**

**Presiding Officer: Jim Mathews, Austin, TX**

**1:30 p.m. 1.50 hrs**

**The Role of Conservation in Meeting Water Supply Needs**

Based on water conservation success to date in some Texas cities, water conservation is considered by some to be a major source of water to meet future needs. Often it appears to be the least expensive water supply source for Texas communities, and has the potential for producing large additions to local supply, if adequate funding and programmatic supports are provided. How realistic are these expectations, and what are the impediments and limitations of this water supply option? Although the measures recommended by the Texas Water Conservation Implementation Task Force provide a comprehensive plan to launch a statewide water conservation effort, is that enough? What is on the horizon?

Moderator: Jim Mathews, Austin, TX  
Norman D. Johns, National Wildlife Federation, Austin, TX  
Calvin Finch, San Antonio Water System  
San Antonio, TX  
Bill G. Billingsley, TCEQ, Austin, TX  
Linda Christie, Tarrant Regional Water District  
Fort Worth, TX  
Professor C. Allan Jones, Texas Water Resources Institute, College Station, TX

**WATER AND WASTEWATER ISSUES IN THE ETJ**

**3:00 p.m. .75 hr**

**How Municipalities Deal with Special Purpose Districts—from Approval to Annexation**

A look at the issues which confront a city and landowners in consenting to the creation of a special purpose district, dealing with a created district, and annexing and dissolving a mature district. Ms. Olson worked for the City of Fort Worth to develop a policy for Fort Worth to address these issues. Mr. Crawford has represented developers in creating and operating special purpose districts for over 25 years.

Developer Perspective: Clay E. Crawford  
Houston, TX

City Perspective: Marcella Olson, Fort Worth, TX

**3:45 p.m. Break**

**4:00 p.m. 1.00 hr**

**Current Developments with CCNs from the Municipal, Water Supply Corporations and Developer Perspectives**

Each speaker has experience working with recent changes to the CCN Statute and Rules, and will document those changes and discuss issues involved in their implementation.

Land Owner Perspective: Joe B. Allen  
Houston, TX

Water Supply Corporation Perspective:  
Leonard H. Dougal, Austin, TX

Municipal Perspective: William D. Dugat III  
Austin, TX

**5:00 p.m. .50 hr**

**Edwards Aquifer Non-Point Source Controls**

Protection of this vulnerable aquifer from the pressures of continued development in its recharge and contributing zones continues to be a challenging and important issue. The speakers provide both legal and technical perspectives from the public and private sector.

Heather Beatty, TCEQ, Austin, TX  
Bill E. Couch, Austin, TX  
Darcy Frownfelter, San Antonio, TX

**5:30 p.m. Adjourn**

**FRIDAY MORNING, DEC. 8, 2006**

**Presiding Officer: Jim Mathews, Austin, TX**

**9:00 a.m. .50 hr**

**Case Law Update**

Recent surface and groundwater case law developments, as well as an update on cases of procedural

or administrative significance affecting the substantive area.

Brian E. Berwick, Assistant Attorney General  
Austin, TX

9:30 a.m. .50 hr

### Water Law and Issues Relating to Small Reservoirs and Stocktanks

A discussion of key statutes, case law, and regulations governing the development, placement and use of small reservoirs and stocktanks.

Timothy L. Brown, Austin, TX

## TRANSACTIONAL AND VALUATION ISSUES

10:00 a.m. .50 hr

### Essential Hydrology for Lawyers, Landowners, and Developers

Mr. Kreitler is uniquely qualified to explain the "occult" nature of groundwater.

Charles W. Kreitler, Austin, TX

10:30 a.m. Break

10:45 a.m. .75 hr

### A Property Owner's Guide to Negotiating Agreements for the Capture, Development, and Transmission of Groundwater

Need to advise a landowner whether to sign that groundwater lease or not? This presentation will provide insights into issues that should be explored and addressed.

Ed McCarthy, Austin, TX

11:30 a.m. .75 hr

### Buying and Selling Water: Understanding the Market and Competitive Pressures in Your Area and Documenting the Transaction

This session covers basic transaction points on typical wholesale water purchase contracts involving both surface and groundwater.

Russell Johnson, Austin, TX  
Derek Saunders, Austin, TX

12:15 p.m. Lunch on Your Own

## FRIDAY AFTERNOON

Presiding Officer: Douglas G. Caroom  
Austin, TX

1:30 p.m. .75 hr

### Bringing Groundwater to Market: Municipal and Private Case Studies

Have you ever done a groundwater project from start to finish? These two speakers have and will discuss how they did it.

Municipal Case Study: Crockett Camp  
Austin, TX

Private Case Study: Tim Throckmorton  
Houston, TX

2:15 p.m. .75 hr

### Valuing Water Rights

An examination of available transactional data and valuation trends in Texas.

Douglas G. Caroom, Austin, TX  
James Kowls, Austin, TX  
Kevin J. Spencer, Austin, TX

3:00 p.m. 1.00 hr ethics

### The Successful and Ethical Practice of Law

Navigating the ethical whirlpools and eddies of law practice.

William J. Chriss, Corpus Christi, TX

4:00 p.m. Adjourn

## REGISTRATION FOR WL06

### Mail this registration form to:

The University of Texas School of Law, Attn. WL06  
P.O. Box 7759, Austin, TX 78713-7759 or fax a copy to: (512) 475-6876

### PLEASE PRINT CLEARLY

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Invoices, confirmations and receipts are emailed to these addresses.

### REGISTRATION - Includes Course Binder, Wednesday Evening Primer, and Thursday Box Lunch Presentation

- ☐ Early Registration Fee due by Wed. November 29, 2006..... \$425.00  
☐ Registration Fee after Wed. November 29, 2006 ..... \$475.00  
☐ State Employee Rate (\$375 after November 29, 2006)..... \$325.00

### CONFERENCE PUBLICATIONS AND MEDIA

Allow 2-4 weeks from conference date for delivery.

- ☐ Course Binder ..... \$200.00

Note: Conference registration includes Course Binder.

- ☐ Audio CD Set ..... \$175.00

- ☐ eBinder on CD (PDF format) ..... \$200.00/\$50.00

(\$200 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set)

### In-House CLE: Bring the conference in-house and learn at your convenience.

Allow 2-4 weeks from conference date for delivery.

- ☐ In-House CLE for 2 includes Audio CD Set and 2 Course Binders .... \$750.00  
\_\_\_\_\_ Add participants (includes Course Binder) for \$200 each ..... \$ \_\_\_\_\_

### METHOD OF PAYMENT

TOTAL ENCLOSED ..... \$ \_\_\_\_\_

- ☐ Check (make checks payable to: The University of Texas at Austin)

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## AUSTIN

December 6\*, 7-8, 2006

### CONFERENCE LOCATION



#### Radisson Hotel & Suites

111 E. Cesar Chavez Street  
Austin, Texas 78701  
(512) 478-9611

#### SPECIAL RATE \$129

(subject to availability)  
good through November 11, 2006

Parking: \$5 self-parking per entry,  
\$13 self with in/out privileges  
(subject to change)

#### KEY DATES

##### Registration & Cancellation

November 29, 2006–5 p.m.

*last day for early registration*  
add \$50 for registrations  
received after this time

December 1, 2006–5 p.m.

*last day for full refund*

December 4, 2006–5 p.m.

*last day for partial refunds*  
\$50 processing fee applied

December 6, 2006–6 p.m.

*Optional Wednesday Evening Primer*

December 7, 2006–9 a.m.

*conference begins*

## CONFERENCE FACULTY

JOE B. ALLEN  
Allen Boone Humphries Robinson LLP  
Houston, TX

SENATOR KIP AVERITT  
Chairman, Senate Natural Resources  
Committee, Texas Senate  
Austin, TX

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Law Office of Charles C. Bailey  
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BRIAN E. BERWICK  
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2006

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