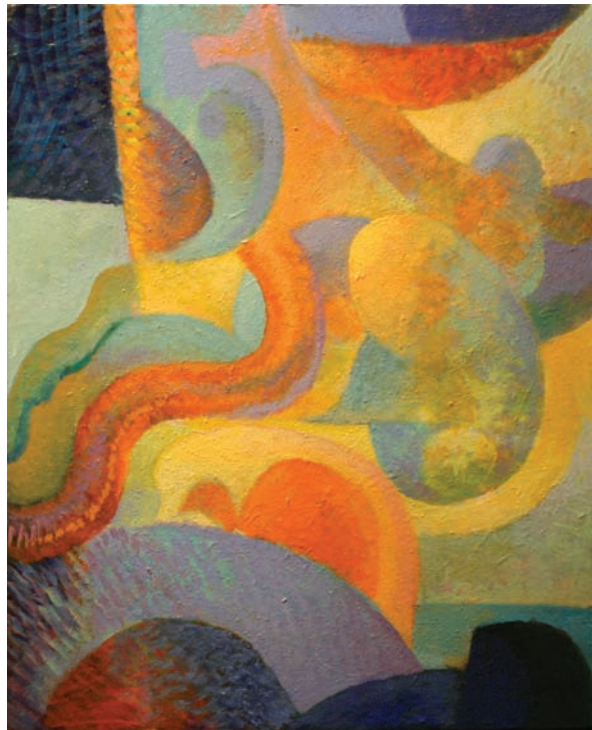


2007

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December 5*, 6-7, 2007
Radisson Hotel and Suites
Austin, Texas

*Wednesday Evening Session—Included in Registration

Special \$350 Registration Fee for State Employees and
Texas Alliance of Groundwater Districts

2007 TEXAS WATER LAW INSTITUTE

December 5*, 6-7, 2007 • Radisson Hotel and Suites • Austin, Texas

*Optional Wednesday Evening Session on December 5, 2007

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WEDNESDAY EVENING, DEC. 5, 2007

6:00 p.m. 1.50 hr

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. 6, 2007

Presiding Officer: Jim Mathews, Austin, TX

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .50 hr

Water Policy Evolution in Texas

Comments from the Chairman of the Senate Natural Resources Committee on recent developments and the future for water policy in Texas.

Senator Kip Averitt, Waco, TX

9:30 a.m. 1.00 hr

Water Legislation from the 80th Session

A comprehensive review of water legislation adopted during the 80th Legislative Session and discussion of the potential impact.

Timothy L. Brown, Austin, TX
Ed McCarthy, Austin, TX
Arturo D. Rodriguez Jr., Georgetown, TX

10:30 a.m. Break

10:45 a.m. 1.00 hr

Increasing the Cap—Amendments to the Edwards Aquifer Act: Implementation and Implications

SB3 addresses existing and future regulation of the Edwards Aquifer and the perspectives of key stakeholders.

Joseph E. Cole, San Antonio, TX
Velma R. Danielson, San Antonio, TX
Darcy A. Frownfelter, Austin, TX
Mark B. Taylor, San Marcos, TX

THURSDAY AFTERNOON

LUNCHEON PRESENTATION

11:45 a.m. Pick up Box Lunch

Included in conference registration fee.

12:00 p.m. .50 hr

Water Policy in Texas

The Chairman of the House Natural Resources Committee comments on legislative policy developments during the interim.

Rep. Robert R. Puente, San Antonio, TX

12:30 p.m. Break

12:45 p.m. .50 hr

The Edwards Aquifer Recovery Implementation Plan

What are the prospects for development of RIP for the Edwards Aquifer endangered species, and would it potentially modify the existing regulatory constraints?

Anna Munoz, College Station, TX

1:15 p.m. .50 hr

Update on Recent Case Law

Where the TCEQ Notice is following the *Uncertain* case, and continuing developments in the law of groundwater and groundwater regulation.

Hunter W. Burkhalter, Austin, TX

1:45 p.m. .75 hr

Oral Argument in *Guitar v. Hudspeth Co. UWCD No. 1*

This potentially landmark case on groundwater regulation will be argued before the Texas Supreme Court on December 5th. In this presentation, we will show a video of this oral argument followed by a discussion of the argument and its implications.

Commentary: Hon. Jan P. Patterson, Austin, TX

2:30 p.m. Break

2:45 p.m. .50 hr

Unique Permitting Issues

A practical discussion of water rights issues which may arise in unique permitting situations, including river authority system operating permits, power plant cooling reservoirs, subdivisions with amenity lakes, environmental flows, and water reuse projects.

Leonard H. Dougal, Austin, TX

3:15 p.m. .75 hr

Flooding—Legal and Practical Issues

Flood Liability Issues: What are the theories and case law for flooding, drainage and other water damage incidents?

Lyn E. Clancy, Austin, TX

4:00 p.m. .75 hr

Retail Water Service Issues: Municipal Regulation of Investor-Owned Utilities, Franchise, and the Power to Condemn

A debate regarding the scope and limits of municipal regulatory authority and other powers over investor-owned utilities inside the corporate boundaries and ETJ, including rates, franchises, and condemnation.

C. Joe Freeland, Austin, TX
Mark H. Zeppa, Austin, TX

4:45 p.m. Adjourn

FRIDAY MORNING, DEC. 7, 2007

Presiding Officer:

Douglas G. Caroom, Austin, TX

CHALLENGES IN DEVELOPING WATER SUPPLIES

9:00 a.m. .50 hr

Fastrill Reservoir Case

How a viable reservoir site can be derailed by the U.S. Fish and Wildlife Service.

S. Cass Weiland, Dallas, TX

9:30 a.m. .67 hr

Reservoir Siting and Site Reservation after SB3

The pros and cons of our newly adopted approach to reservoir siting.

Edward C. Small, Austin, TX
J. Kevin Ward, Austin, TX

10:10 a.m. .50 hr

Challenges in Developing Out-of-State Water Supplies

Tarrant Regional Water District v. Herrmann et al: litigation challenging Oklahoma's efforts to prohibit the export of water to Texas.

Kevin L. Patrick, Aspen, CO

10:40 a.m. Break

10:55 a.m. .50 hr

Varying Approaches to Groundwater Regulation

A survey of the issues being addressed and regulatory approaches taken by groundwater conservation districts throughout the state.

Gregory M. Ellis, League City, TX

11:25 a.m. .50 hr

Desired Future Conditions

Groundwater conservation districts are required by 2010 to establish the "desired future condition" for each aquifer, upon which future management will be based. The speakers will examine the issues, problems and progress toward this goal.

William D. Dugat III, Austin, TX
Robert Mace, Austin, TX

11:55 a.m. .33 hr

Is Local Control of Groundwater Viable?

A discussion of the evolution and potential future direction of groundwater regulation in Texas.

P. Steven Kosub, San Antonio, TX

FRIDAY AFTERNOON

LUNCHEON PRESENTATION

12:15 p.m. Pick Up Box Lunch

Included in conference registration fee.

12:30 p.m. 1.00 hr

Rule of Capture: History, Evolution and Alternatives

An out-of-state perspective on Texas groundwater law and groundwater management.

Justice Gregory J. Hobbs Jr., Denver, CO

1:30 p.m. Break

1:45 p.m. .50 hr

Groundwater Transactions: What's Transferred, What's Reserved, and What Are the Rules?

Texas is awash in recent times in land sales and other land deals specifically addressing groundwater in place. Sometimes the deals occur inside the boundaries of a groundwater regulatory district, and sometimes in areas still under the common law regime. Not much of this activity has ended up in court yet, but it will. This presentation will survey issues likely to crop up when that happens.

Lynn E. Blais, Austin, TX
Renea Hicks, Austin, TX

2:15 p.m. .50 hr

Groundwater Transactions: Another Perspective

Although some see legal uncertainty, if not outright mystery, in the law applicable to groundwater transactions, the law is actually well established and has been relied upon in its current state by both property owners and water suppliers.

Michael V. Powell, Dallas, TX

2:45 p.m. 1.00 hr ethics

The Ethics of Negotiation

Discussion of ethical dilemmas lawyers face when advocating positions on behalf of clients. When does "bluffing" become an act susceptible to professional censure? Are there ethical differences between telling a lie and withholding the truth? Who between

the client and the lawyer controls the content or the means of advocacy?

Lawrence L. Foust, San Francisco, CA

3:45 p.m. Adjourn

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Mail this registration form to: The University of Texas School of Law, Attn. WL07
P.O. Box 7759, Austin, TX 78713-7759 **or fax a copy to: (512) 475-6876**
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REGISTRATION - Includes Course Binder, Wednesday Evening Primer, and Thursday and Friday Box Lunch Presentation

- ☐ Early Registration Fee due by Wed. November 27, 2007..... \$435.00
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Allow 2-4 weeks from conference date for delivery.

- ☐ Course Binder \$200.00
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December 5*, 6-7, 2007

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SPECIAL ROOM RATE \$159

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Parking: \$5 self-parking, \$17 valet
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KEY DATES

Registration & Cancellation

November 27, 2007–5 p.m.
last day for early registration
add \$50 for registrations
received after this time

November 30, 2007–5 p.m.
last day for full refund

December 3, 2007–5 p.m.
last day for partial refunds
\$50 processing fee applied

December 5, 2007–6 p.m.
optional Wednesday evening session

December 6, 2007–9 a.m.
conference begins

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TEXAS WATER LAW INSTITUTE

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