

2010 TEXAS WATER LAW INSTITUTE



*Sunday at Oak Creek, 60" x 60", oil with palette knife on wrapped canvas, is by Maxine Price.
For more information on this piece, visit www.maxineprice.com.*

December 1*, 2–3, 2010
AT&T Conference Center ▪ Austin, Texas

*Optional Wednesday Evening Session:
Texas Water Law Overview—Included in Registration

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

Earn up to 16.00 Hours of Credit including 1.50 Hours of Ethics Credit
Specialization Credit Approved for Administrative Law, and Real Estate Law
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2010 TEXAS WATER LAW INSTITUTE

December 1*, 2–3, 2010 • AT&T Conference Center • Austin, Texas

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*OPTIONAL WED. EVENING, DEC. 1, 2010

5:30 p.m. Registration Opens
Included in conference registration fee.

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.

Doug Caroom, Austin, TX
Jim Mathews, Austin, TX

7:30 p.m. Adjourn

THURSDAY MORNING, DEC. 2, 2010

Presiding Officer: Doug 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 Legislation in the 82nd Session

What water issues are likely to be receiving the legislature's attention in the upcoming session?

Sen. Troy Fraser, Austin, TX
Rep. Bill Callegari, Houston, TX

9:45 a.m. .50 hr

Overview of the Sunset Process

The State's two major water agencies, the Texas Commission on Environmental Quality and the Texas Water Development Board, undergo Sunset Review this session. How does the process work and what can we anticipate?

Joe Walraven, Austin, TX

10:15 a.m. Break

10:30 a.m. 1.00 hr

Texas Environmental Flows Process: Where We Are and Where We Are Going

Senate Bill 3 from the 80th Legislature set out a new process for determining environmental flows. Stakeholders for four basins have sent their recommendations to the TCEQ for rulemaking. The TCEQ rules could have a major impact on the environment and development of new water projects.

Todd D. Chenoweth, Austin, TX
Myron J. Hess, Austin, TX
James Lee Murphy III, Seguin, TX

11:30 a.m. .50 hr

State Water Plan: Who Is Going to Pay for It?

New water projects in the 2007 State Water Plan total more than \$30 billion. Is that a realistic plan that can be implemented? How?

Larry R. Soward, Austin, TX

THURSDAY AFTERNOON

Presiding Officer: Jim Mathews, Austin, TX

LUNCHEON PRESENTATION

12:00 p.m. Pick Up Box Lunch
Included in conference registration fee.

12:15 p.m. .50 hr ethics

Conflicts of Representing Multiple Clients

Lawyers often represent multiple clients or have matters adverse to former clients. The Supreme Court has posted proposed new rules for comment including new conflict rules. A discussion of what the new rules try to fix, and the dangers in the old rules.

Thomas H. Watkins, Austin, TX

12:45 p.m. Break

1:00 p.m. .50 hr

Case Law Update

A comprehensive overview of groundwater, surface water, and water and sewer utility law cases decided in the last two years.

Robin A. Melvin, Austin, TX

1:30 p.m. 2.00 hrs

The Texas Water Development Board's Role in Implementing Desired Future Conditions

September 1, 2010, was the statutory deadline for the State's sixteen Groundwater Management Areas (GMAs) to adopt Desired Future Conditions (DFCs). The Texas Water Development Board is responsible for the next steps in the state's groundwater planning and management arena, including development of Managed Available Groundwater (MAG) volumes to be used by local groundwater districts to make permitting decisions, and considering appeals of the DFCs from disgruntled districts within the respective GMAs and affected landowners.

William D. Dugat III, Austin, TX
Marvin Winston Jones, Amarillo, TX
Kenneth L. Petersen, Austin, TX

3:30 p.m. Break

3:45 p.m. .75 hr

Edwards Aquifer Authority v. Day: Impact on Groundwater Management

A point/counterpoint on the potential impact of the Texas Supreme Court's decision in *Edwards Aquifer Authority v. Day* on groundwater management.

Gregory M. Ellis, League City, TX
Russell S. Johnson, Austin, TX

4:30 p.m. .50 hr

A Percolating Dilemma: Sovereign Immunity and Water Supply Contracts

Will sovereign immunity impact the ability to contract for water supplies?

Hon. Craig T. Enoch, Austin, TX

5:00 p.m. Adjourn

FRIDAY MORNING, DEC. 3, 2010

Presiding Officer: Jim Mathews, Austin, TX

8:00 a.m. Conference Room Opens
Includes continental breakfast.

8:30 a.m. 1.00 hr

Lessons Learned from the 2008-09 Drought

From the regulator's perspective and from the supplier's perspective.

Commissioner Carlos Rubinstein, Austin, TX
Greg Graml, Austin, TX

9:30 a.m. 1.00 hr

Federalization of Texas Water Law?

Continued state primacy in management of water resources is threatened on several fronts. What are those threats and how likely is continued state primacy in the long run?

J. Tom Ray, Waco, TX
George William Sherk, Regina, SK, Canada

10:30 a.m. Break

10:45 a.m. 1.25 hrs

Regional Plan Process: Is It Working?

This panel reviews the effects of changes to regional water planning mandated by HB 1763 (2006) in the context of the current regional planning efforts.

James B. Blackburn Jr., Houston, TX
Carolyn Brittin, Austin, TX
Con Mims, Uvalde, TX

FRIDAY AFTERNOON

Presiding Officer: Doug Caroom, Austin, TX

LUNCHEON PRESENTATION

12:00 p.m. Pick Up Box Lunch

Included in conference registration fee.

12:15 p.m. .75 hr

The Role of Endangered Species in Water Management—Which Is More Endangered: Texas' Autonomy over State Water Resources or the Whooping Crane?

The *Aransas Project v. Shaw, et. al.*, a.k.a. the "Whooping Crane Case," is potentially a landmark case for Texas water rights law. This is the first time an environmental plaintiff has sought to use the Endangered Species Act in order to force the State of Texas to fundamentally reallocate existing, allocated state water rights. The outcome of this case could determine whether Texas will retain its autonomy over state water resources in the San Antonio-Guadalupe River basin and could provide a precedent for other basins throughout the state.

David P. Smith Jr., Austin, TX

1:00 p.m. Break

1:15 p.m. .50 hr

Voting Rights Impact on Texas Water Districts

Discussion of election and voting topics, including the consequences of the 2010 census, that may affect water districts, such as voter ID, early voting by mail and election worker eligibility.

Anne Melanie Huff, Austin, TX

1:45 p.m. 1.00 hr

Water Supply Alternatives

Regulatory processing time, endangered species and public opposition to the development and construction of new large-scale conventional water supply reservoirs are among the factors driving water suppliers to develop alternative, environmentally sensitive, cost-effective water supply sources. Aquifer storage and recovery technology (ASR), wastewater reuse, desalination and storm water represent potential alternative strategies available to water planners.

Kathy Alexander, Austin, TX
Fred M. Blumberg, Austin, TX
Ellen T. McDonald, Fort Worth, TX

2:45 p.m. Break

3:00 p.m. .50 hr

Results from Carrizo-Wilcox Aquifer Study Directed by the 81st Texas Legislature

The study focuses on groundwater management and adequacy of science used in the regulatory decision-making process for the Carrizo-Wilcox Aquifer, one of the largest and most prolific groundwater resources in Texas.

William F. Mullican, Pflugerville, TX

3:30 p.m. .50 hr

The Intersection of Texas Water Law and the Endangered Species Act in the Edwards Aquifer

The tension between the demand for water for human needs and the need for water to protect federally-listed species is once again at issue with respect to the use of the Edwards Aquifer. Specifically addressed is how the conflict is being resolved, if at all, by the Edwards Aquifer Recovery Implementation Program.

Robert L. Gulley, San Antonio, TX

4:00 p.m. 1.00 hr ethics

Recent Ethics Opinions and Implications

Opinion No. 587 caused a stir among some attorneys. What have been the reactions?

Dudley D. McCalla, Austin, TX

5:00 p.m. Adjourn

REGISTRATION FOR WL10

Mail this registration form to: **The University of Texas School of Law, Attn. CLE—WL10, P.O. Box 7759, Austin, TX 78713-7759** or fax a copy to: **512-475-6876** or register online at: **www.utcle.org**

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Invoices, confirmations and receipts are emailed to these addresses.

REGISTRATION Includes Course Binder, Optional Wednesday Evening Session, and Thursday and Friday Luncheon Presentations

Standard Registration

- ☐ Early Registration Fee due by Monday, November 22, 2010\$450
☐ Registration Fee after Monday, November 22, 2010\$500

Special State Employee/Texas Alliance of Groundwater Districts Registration

- ☐ Early Registration Fee due by Monday, November 22, 2010\$350
☐ Registration Fee after Monday, November 22, 2010\$400

CONFERENCE PUBLICATIONS AND MEDIA

Allow 3–5 weeks from the conference date for delivery.

- ☐ Course Binder WITHOUT Conference Registration\$225
Note: Conference registration includes Course Binder.
☐ Audio MP3 Speeches on CD\$130
☐ Audio CD Set\$200
☐ eBinder on CD (PDF format)\$225/\$50
(\$225 purchased alone, \$50 with Registration or purchase of Course Binder or Audio MP3 Speeches on CD or Audio CD Set)

IN-HOUSE CLE: Bring the conference in-house and learn at your convenience.

Allow 3–5 weeks from the conference date for delivery.

- ☐ In-House CLE for 2—Includes Audio CD Set and Course Binders\$825
_____ Add participants (includes Course Binder) for \$225 each\$ _____

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or call us at

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for more information

AUSTIN

December 1*, 2-3, 2010

CONFERENCE LOCATION



AT&T Conference Center

The University of Texas at Austin
1900 University Avenue
Austin, TX 78705
512-404-3600

Special Room Rate: \$159

good through November 1, 2010
(subject to availability)

Parking:

Self-parking \$5 per day;
Valet parking \$10 per day, \$14 overnight
(subject to change)

KEY DATES

November 22, 2010, 5 p.m.

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

November 24, 2010, 5 p.m.

last day for full refund

November 29, 2010, 5 p.m.

last day for partial refund
\$50 processing fee applied

December 1, 2010, 6 p.m.

Optional Wednesday Evening Session begins

December 2, 2010, 9 a.m.

Institute begins

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