

2011

# TEXAS WATER LAW INSTITUTE



November 30\*, December 1–2, 2011  
AT&T Conference Center ▪ Austin, Texas

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

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

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Earn up to 14.00 Hours of Credit including 2.00 Hours of Ethics Credit

Specialization Credit Approved for Administrative Law; Oil, Gas and Mineral Law; and Real Estate Law

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TEXAS WATER LAW INSTITUTE

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**\*OPTIONAL WED. EVENING, NOV. 30, 2011**

**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, government officials and engineers.

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

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

**THURSDAY MORNING, DEC. 1, 2011**

**Presiding Officer:**

Jim Mathews, Mathews & Freeland LLP,  
Austin, TX

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

Includes continental breakfast.

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

**9:00 a.m. 1.00 hr**

**Groundwater Issues in the 82<sup>nd</sup> Legislative Session**

In a session enmeshed in budget issues and redistricting, groundwater management was one of the areas in which progress was made.

Timothy L. Brown, Austin, TX

**10:00 a.m. 1.00 hr**

**Groundwater Ownership/Regulation**

Three perspectives on groundwater regulation and property rights: Where we've been and where we may be going.

Jane Cohen, Austin, TX  
William D. Dugat III, Austin, TX  
Jason Skaggs, Austin, TX

**11:00 a.m. Break**

**11:15 a.m. .50 hr**

**Sovereign Immunity Issues in Water Supplies**

How can sovereign immunity affect your ability to enforce your water supply contract?

Jeffrey S. Boyd, Austin, TX

**11:45 a.m. Pick Up Box Lunch**

Included in conference registration fee.

**THURSDAY AFTERNOON**

**Presiding Officer:**

Doug Caroom, Bickerstaff Heath  
Delgado Acosta LLP, Austin, TX

**LUNCHEON PRESENTATION**

**12:00 p.m. 1.00 hr ethics**

**Public Information and Open Meetings in the Modern Age**

C. Robert Heath, Austin, TX

**1:00 p.m. Break**

**1:15 p.m. 1.00 hr**

**Energy Water Usage: Shale Gas and Oil Development**

Water use and water quality issues associated with hydraulic fracturing in shale gas development. Existing exemptions and expected new regulations governing hydraulic fracturing activities are covered.

Leonard H. Dougal, Austin, TX  
Eric C. Potter, Austin, TX

**DFC MAG SEGMENT**

**2:15 p.m. 1.00 hr**

**After the Sun Went Down: Desired Future Conditions and Managed (Now Modeled...) Available Groundwater after the 82<sup>nd</sup> Legislative Session**

Groundwater conservation districts adopted desired future conditions for their relevant aquifers in 2010. The spring of 2011 brought final managed available groundwater numbers as well as changes to the water code (and changes to the agencies). So what happens now?

Robert Mace, Austin, TX

**3:15 p.m. Break**

**3:30 p.m. 1.00 hr**

**The Next Step: Implementing Modeled Available Groundwater**

Straight from the horse's mouth: GCD general managers discuss implementing the Modeled Available Groundwater.

**Moderator:**

Gregory M. Ellis, League City, TX

**Panelists:**

Tim Andruss, Victoria, TX  
Jim Conkwright, Lubbock, TX  
Kirk Holland, Austin, TX  
Caroline R. Runge, Menard, TX

**4:30 p.m. Adjourn**

**FRIDAY MORNING, DEC. 2, 2011**

**Presiding Officer:**

Doug Caroom, Bickerstaff Heath  
Delgado Acosta LLP, Austin, TX

**8:00 a.m. Conference Room Opens**

Includes continental breakfast.

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

**Legislative Implementation at the TCEQ**

How the TCEQ is implementing its Sunset legislation as well as other water-related bills.

L'Oreal W. Stepney, Austin, TX

**9:30 a.m. .50 hr**

**Case Law Update**

Discussion of recent groundwater, surface water and utility cases and their implications.

Marc O. Knisely, Austin, TX

**10:00 a.m. Break**

**10:15 a.m. 1.50 hrs**

**Environmental Flows and the SB3 Process**

The stakeholder's perspective, the process, the rules, lessons learned and interesting outcomes.

**Moderator:**

Suzanne Schwartz, Austin, TX

**Panelists:**

Patrick Brzozowski, Edna, TX  
Robert Huston, Austin, TX  
Norman D. Johns, Ph.D., Austin, TX  
Kellye Rila, Austin, TX

**11:45 a.m. Pick Up Box Lunch**

Included in conference registration fee.

## FRIDAY AFTERNOON

### Presiding Officer:

Jim Mathews, Mathews & Freeland LLP,  
Austin, TX

### LUNCHEON PRESENTATION

12:00 p.m. 1.00 hr

#### Part 1: Financing Solutions and Funding Mechanisms

How are we going to pay for the new water supplies and infrastructure that Texas needs?

Rep. Allan Ritter, Austin, TX  
Hon. Edward G. Vaughan, Austin, TX

1:00 p.m. Break

1:15 p.m. .50 hr

#### Part 2: Funding at the Local Level

How important is state assistance and what are the alternatives?

Wayne Owen, Fort Worth, TX

1:45 p.m. 1.00 hr

#### Endangered Species Act Implementation on Water Issues

The Edwards Aquifer experience and its implications as the state looks at possible widespread listings of aquatic species.

Robert L. Gulley, San Antonio, TX

2:45 p.m. 1.00 hr ethics

#### Ethics Ex Parte Contact in a Modern Age

This presentation includes a discussion of the APA prohibition of ex parte contacts, the recent opinions of the Professional Ethics Committee for the State Bar of Texas relating to lawyer communications with agency decision-makers and the Disciplinary Rules, and their implications for lawyers who practice before administrative agencies.

Pete Schenkan, Austin, TX

3:45 p.m. Adjourn

## ABOUT THE COVER



*Wellspring*, 60" x 72", oil on canvas, is by Billy Hassell. For more information, visit [www.lemieuxgalleries.com](http://www.lemieuxgalleries.com). Image acquisition by Sandra Gregor, art consultant, 512-477-2827.

## REGISTRATION FOR WL11

Mail this registration form to:

The University of Texas School of Law, Attn. CLE—WL11  
P.O. Box 7759, Austin, TX 78713-7759

or fax a copy to: 512-475-6876 or register online: [www.utcle.org](http://www.utcle.org)

Questions? Call us at 512-475-6700

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Registrant's Email (required) \_\_\_\_\_

Assistant's Email (optional) \_\_\_\_\_

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### REGISTRATION

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

#### Standard Registration

☐ Early Registration Fee due by Monday, November 21, 2011 .....\$495

☐ Registration Fee after Monday, November 21, 2011 .....\$545

#### State Employee/Texas Alliance of Groundwater Districts Registration

☐ Early Registration Fee due by Monday, November 21, 2011 .....\$350

☐ Registration Fee after Monday, November 21, 2011 .....\$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 .....\$210

☐ 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. Approved for Texas MCLE credit.*

☐ In-House CLE for 2—Includes Audio CD Set and Course Binders .....\$825

\_\_\_\_\_ Add participants (includes Course Binder) for \$225 each .....\$ \_\_\_\_\_

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

### METHOD OF PAYMENT

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

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November 30\*, December 1–2, 2011 ■ AT&T Conference Center ■ Austin, Texas

\*Optional Wednesday Evening Session

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**512-475-6700**

for more information

### AUSTIN

November 30\*, December 1–2, 2011

#### CONFERENCE LOCATION



**AT&T Conference Center – Hotel at UT**  
The University of Texas  
1900 University Avenue  
Austin, TX 78705  
512-404-3600

**Special Room Rate: \$159**  
good through October 30, 2011  
(subject to availability)

#### Parking:

Free daily self-parking at UT garages. Separate fees apply for valet and overnight parking.

#### KEY DATES

**November 21, 2011, 5 p.m.**

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

**November 23, 2011, 5 p.m.**

*last day for full refund*

**November 28, 2011, 5 p.m.**

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

**November 30, 2011, 6 p.m.**

*Optional Wednesday Evening Session begins*

**December 1, 2011, 9 a.m.**

*Conference begins*

### CONFERENCE FACULTY AND PLANNING COMMITTEE

DOUG CAROOM—CO-CHAIR\*  
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Austin, TX

\*planning committee member

MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 14.00 hours, of which 2.00 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).