

2012 Texas Water Law Institute
October 31*, 1-2, 2012 • AT&T Conference Center • Austin, TX

Wednesday Evening, Oct. 31, 2012

	OPTIONAL SESSION Included in conference registration fee.
5:30 pm	Registration Opens
6:00 pm 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, Bickerstaff Heath Delgado Acosta LLP - Austin, TX Jim Mathews, Mathews & Freeland LLP - Austin, TX
7:30 pm	Adjourn

Thursday Morning, Nov. 1, 2012

Presiding Officer:

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

8:00 am	Registration Opens Includes continental breakfast.
8:50 am	Welcoming Remarks
9:00 am 1.00 hr	Water Legislation in the 83rd Session: An Insider's View Handling of interim charges and anticipated issues for the coming session. Eddie A. Lucio III, Texas House of Representatives - Austin, TX Kel Seliger, The Senate of Texas - Austin, TX
	DESALINATION: BENEFITS, OBSTACLES AND DEVELOPMENTS How realistic is it to look at desalination as a major new source of water supply?

10:00 am 0.50 hr	<p>Desalination: Possible Benefits to Texas from This Innovative Technology</p> <p>An evaluation of the technology and potential benefits of desalination of brackish groundwater.</p> <p>Jorge A. Arroyo, Texas Water Development Board - Austin, TX</p>
10:30 am	<p>Break</p>
10:45 am 0.50 hr	<p>Legal Obstacles to Successful Implementation of a Desalination Project</p> <p>What to do with the brine concentrate, Groundwater Conservations Districts and other challenges.</p> <p>William D. Dugat III, Bickerstaff Heath Delgado Acosta LLP - Austin, TX</p>
11:15 am 0.50 hr	<p>A Desalination Success Story</p> <p>A look at El Paso's Kay Bailey Hutchison Desalination Plant, the world's largest inland desalination facility, serving El Paso and Ft. Bliss</p> <p>Edmund G. Archuleta, El Paso Water Utilities - El Paso, TX</p>
11:45 am	<p>Break to Pick Up Lunch</p> <p>Included in conference registration fee.</p>

Thursday Afternoon, Nov. 1, 2012

Presiding Officer:

Jim Mathews, Mathews & Freeland LLP - Austin, TX

	<p>Luncheon Presentation</p>
12:00 pm 1.00 hr	<p>Current Issues at TCEQ</p> <p>TCEQ's drought curtailment rules, issues with the federal government and more.</p> <p>Carlos Rubinstein, Texas Commission on Environmental Quality - Austin, TX</p>
1:00 pm	<p>Break</p>
1:15 pm 1.00 hr	<p>Water Districts: Legislation on Districts and TCEQ Update</p> <p>Different perspectives on the provision of water utility service and the benefits of changes made during recent legislative sessions, particularly the expedited decertification process.</p> <p>Bill Callegari, Texas House of Representatives - Houston, TX Ronald Jay Freeman, Freeman & Corbett - Austin, TX Todd Galiga, Texas Commission on Environmental Quality - Austin, TX</p>

2:15 pm 0.50 hr	<p>TCEQ Water Curtailment Rules: How Meaningful Is the Priority System?</p> <p>New TCEQ drought rules jeopardize senior water right holders' water supply during drought and add new requirements for water right enforcement.</p> <p>Michael Jon Booth, Booth, Ahrens & Werkenthin, P.C. - Austin, TX</p>
2:45 pm	<p>Break</p>
3:00 pm 0.75 hr 0.25 hr ethics	<p>A Case Study of Federal Intrusion through the Endangered Species Act</p> <p><i>TAP v. Shaw</i>: will the ESA determine water allocation in the Guadalupe-San Antonio River Basin?</p> <p>Molly Cagle, Baker Botts L.L.P. - Austin, TX</p>
3:45 pm 1.50 hrs	<p>Development of SB3 Environmental Flows</p> <p>How well is it working? A mid-course evaluation.</p> <p>Moderator: Jim Mathews, Mathews & Freeland LLP - Austin, TX</p> <p>Panelists: Todd D. Chenoweth, Texas Commission on Environmental Quality - Austin, TX</p> <p>Panelists: Mary Elizabeth Kelly, Parula LLC - Austin, TX</p> <p>Panelists: Suzanne B. Scott, San Antonio River Authority - San Antonio, TX</p>
5:15 pm	<p>Adjourn</p>

Friday Morning, Nov. 2, 2012

Presiding Officer:

Jim Mathews, Mathews & Freeland LLP - Austin, TX

8:00 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
	<p>GROUNDWATER CONSERVATION DISTRICTS</p>
8:30 am 0.50 hr	<p>Survey of Groundwater Conservation District Regulatory Approaches</p> <p>A review of substantive rules, approaches to demand management, and permitting, as well as GCD responses to new contested case requirements.</p> <p>Stacey Allison Steinbach, Texas Alliance of Groundwater Districts - Austin, TX</p>
9:00 am 0.50 hr	<p>Practicing before a GCD: Procedural Rules and Contested Cases</p> <p>An exploration of procedural rules, specifically contested case procedures and the changes required by the 2011 amendments.</p> <p>Gregory M. Ellis, Attorney at Law - League City, TX</p>

9:30 am 0.50 hr 0.25 hr ethics	<p>GCD Governance Issues</p> <p>Voting rights, conflicts of interest as well as legislative and judicial limitations on GCDs.</p> <p>Renea Hicks, Attorney at Law - Austin, TX</p>
10:00 am	<p>Break</p>
10:15 am 0.75 hr	<p>Water for Your Project: A Walkthrough</p> <p>A "nuts and bolts" presentation for the general practitioner covering options for obtaining water for a new project, including what is involved, and may prove challenging, for each option.</p> <p>Emily Willms Rogers, Bickerstaff Heath Delgado Acosta LLP - Austin, TX</p>
11:00 am 0.50 hr	<p>Edwards Aquifer v. Day: Where Do "We" Go Now?</p> <p>The implications of <i>Day</i> for groundwater management. How can/should the GCDs respond?</p> <p>Jane Cohen, The University of Texas School of Law - Austin, TX</p>
11:30 am	<p>Break for Buffet Lunch</p> <p>Included in conference registration fee.</p>

Friday Afternoon, Nov. 2, 2012

Presiding Officer:

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

	<p>Luncheon Presentation</p>
11:50 am 0.75 hr	<p>Ground and Surface Water Issues in the Western States: How Does Texas Compare?</p> <p>An experienced water law practitioner-turned-State Justice addresses the subject of surface water, tributary groundwater and non-tributary groundwater, with a comparison of the various ways western states are addressing significant constitutional, statutory and case law issues.</p> <p>Hon. Gregory J. Hobbs Jr., Colorado Supreme Court - Denver, CO</p>
12:35 pm	<p>Break</p>

12:45 pm
1.00 hr

Groundwater Management: Is It Working?

Perspectives on the effectiveness of Texas's "preferred method of groundwater management" from the regulator, regulated community and legislative views.

Moderator:

Jim Mathews, Mathews & Freeland LLP - Austin, TX

Panelists:

Arturo Ballesteros, Office of Senator Juan (Chuy) Hinojosa - Austin, TX

Panelists:

Steve Kosub, San Antonio Water System - San Antonio, TX

Panelists:

Deborah Clarke Trejo, Kemp Smith, LLP - Austin, TX

1:45 pm
1.00 hr

A Streetcar Named Desired Future Conditions: Remixed, Remade and Remodeled (Available Groundwater)

Discussion of the roots of desired future conditions, the current status, what changed with the process last session and what the Texas Water Development Board thinks still needs to be changed. The presentation also explores the procedural and substantive pitfalls of the DFC appeal process.

Marvin Winston Jones, Sprouse Shrader Smith P.C. - Amarillo, TX

Robert E. Mace, Texas Water Development Board - Austin, TX

2:45 pm
1.00 hr ethics

Mediation and SB3: Resolving In-Stream Flow Conflicts

Alternative dispute resolution as a means of addressing complex water issues.

Suzanne Schwartz, The University of Texas School of Law - Austin, TX

3:45 pm

Adjourn