

2013

TEXAS WATER LAW INSTITUTE

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December 4*, 5–6, 2013

*Wednesday Evening Texas Water Law Overview—Included in Registration

Sheraton Austin Hotel at the Capitol ▪ Austin, Texas

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

Earn up to 15.75 Hours of Credit Including 1.50 Hours of Ethics Credit
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Credit for TX Professional Engineers Available

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WEDNESDAY EVENING, DEC. 4, 2013

*OPTIONAL SESSION

Included in conference registration.

5:30 p.m. Registration Opens

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.

Doug Caroom, Bickerstaff Heath Delgado Acosta LLP, Austin, TX
Jim Mathews, Mathews & Freeland LLP, Austin, TX

7:30 p.m. Adjourn

THURSDAY MORNING, DEC. 5, 2013

Presiding Officer:

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

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

DROUGHT-RELATED ISSUES

9:00 a.m. .75 hr

The Role of Drought in Shaping Texas

The history of drought in Texas and a drought outlook for 2014.

Bob Rose, Lower Colorado River Authority, Austin, TX

9:45 a.m. .50 hr

Drought: A Hydrologist's Perspective

How drought affects water planning and permitting. What if we're in a worse drought than the drought of record?

Bob Brandes, Robert J. Brandes Consulting, Austin, TX

10:15 a.m. .50 hr

Economic Impact of Drought

What threat does drought pose for the Texas economy?

Billy C. Hamilton, Billy Hamilton Consulting, Austin, TX

10:45 a.m. Break

11:00 a.m. 1.00 hr

Managing Water Supplies to Deal with Drought Conditions

A discussion of alternative municipal, industrial and agricultural water supply management techniques used in responding to drought.

Ivan Langford III, Gulf Coast Water Authority, Texas City, TX
John Grant, Colorado River Municipal Water District, Big Spring, TX
Wayne Halbert, Harlingen Irrigation District Cameron County No. 1, Harlingen, TX

12:00 p.m. Pick Up Lunch

Included in registration.

THURSDAY AFTERNOON

Presiding Officer:

Jim Mathews, Mathews & Freeland LLP, Austin, TX

LUNCHEON PRESENTATION

12:15 p.m. .75 hr

Drought Planning and Response at the TCEQ

An overview addressing drought lessons learned from 2009 to the present, ongoing drought concerns, and the TCEQ's ongoing efforts to respond to the drought.

Chairman Bryan W. Shaw, Ph.D., Texas Commission on Environmental Quality, Austin, TX

1:00 p.m. Break

DROUGHT-RELATED ISSUES

continued

1:15 p.m. .50 hr

Alternative Approaches to Managing Water Rights in Drought Conditions

A conceptual discussion of alternatives for enforcing a priority-based water permitting system.

C. Joe Freeland, Mathews & Freeland LLP, Austin, TX

1:45 p.m. .50 hr

Texas Farm Bureau v. Texas Commission on Environmental Quality

Can TCEQ depart from the priority system and grant preferences to municipal users and power generators during a drought based on public health concerns?

Doug Caroom, Bickerstaff Heath Delgado Acosta LLP, Austin, TX
Jason T. Hill, Lloyd Gosselink Rochelle & Townsend PC, Austin, TX

2:15 p.m. .50 hr

Developing Brackish Groundwater Supplies

Discussion of current law and proposals to incentivize development of this under-utilized resource.

Ed McCarthy, Jackson, Sjoberg, McCarthy & Townsend, L.L.P., Austin, TX

2:45 p.m. Break

3:00 p.m. .75 hr

Finding and Financing Water for Your Project

Water law experts from across the state identify factors challenging water supply issues.

Risher S. Gilbert, The Gilbert Law Firm, P.C., El Paso, TX
Christopher G. Jordan, Crawford & Jordan LLP, Houston, TX
Camm C. "Trey" Lary III, Allen Boone Humphries Robinson LLP, Houston, TX

3:45 p.m. .50 hr ethics

Ethical Issues Involving Engineers and Experts

What conflict standards apply to the engineer consulting on the regional water plan and also representing entities subject to the plan? What confidentiality obligation is your engineer under regarding your plans and communications? What if he is a testifying expert?

Dewey E. Helmcamp III, Texas Board of Professional Engineers, Austin, TX

4:15 p.m. .50 hr ethics

Expert Testimony: Protecting Client Privilege

What risks are involved in communicating with an expert? Are emails and drafts discoverable? Are there additional risks if your client is a professional?

Thomas H. Watkins, Husch Blackwell LLP, Austin, TX

4:45 p.m. .50 hr ethics

Conflicts of Interest over Scarce Water

When does a lawyer for a client seeking scarce water have a conflict because of the law firm's work on regional planning or representing other clients with surface or groundwater interests in the same watercourse or aquifer. What can you do? What should you do?

Pete Schenkan, Graves Dougherty Hearon & Moody P.C., Austin, TX

5:15 p.m. Adjourn

FRIDAY MORNING, DEC. 6, 2013

Presiding Officer:

Jim Mathews, Mathews & Freeland LLP, Austin, TX

8:00 a.m. Conference Room Opens

Includes continental breakfast.

WATER LAW AND PLANNING ISSUES

8:30 a.m. .50 hr

Water Legislation in the 83rd Texas Legislature

What passed, what did not, and why.

Gregory M. Ellis, Attorney at Law, League City, TX

9:00 a.m. .75 hr

Financing the State Water Plan

Current issues with financing water development projects and the impact of new financing capability provided by the legislature.

Anne Burger Entekin, First Southwest Company, San Antonio, TX
Jerry V. Kyle Jr., Andrews Kurth LLP, Austin, TX

9:45 a.m. .50 hr

Desired Future Conditions:

GMA Joint Planning, Round Two

In 2011, the process used to adopt desired future conditions was significantly changed. This presentation takes a close look at the implementation of those changes during the ongoing second cycle of GMA joint planning.

Mary K. Sahs, Sahs & Associates, P.C., Austin, TX

10:15 a.m. Break

10:30 a.m. .75 hr

Conflicts in Regional Planning Process

A discussion of the court of appeals opinion in *TWDB v. Ward Timber, Ltd.* and how it impacts the regional planning process.

Marisa Perales, Lowerre, Frederick, Perales, Allmon & Rockwell, Austin, TX
Carolyn Brittin, former Deputy Executive Administrator, Texas Water Development Board, Austin, TX

11:15 a.m. .75 hr

Transfer of Water Utility Regulation to the Public Utility Commission of Texas

What changes are coming as a result of the transfer of jurisdiction for water utility regulation?

Moderator:
Jim Mathews, Mathews & Freeland LLP, Austin, TX
Panelists:
Thomas S. Hunter, Public Utility Commission of Texas, Austin, TX
James K. Rourke Jr., Office of Public Utility Counsel, Austin, TX
Susan G. Zachos, Of Counsel, The AL Law Group, PLLC, Austin, TX

12:00 p.m. Pick Up Lunch

Included in registration.

FRIDAY AFTERNOON

Presiding Officer:

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

LUNCHEON PRESENTATION

12:15 p.m. .75 hr

Moving Forward under the Reorganized Texas Water Development Board

Paths forward for the newly reorganized TWDB.

Chairman Carlos Rubinstein, Texas Water Development Board, Austin, TX

1:00 p.m. Break

WATER LAW AND PLANNING ISSUES

continued

1:15 p.m. 1.00 hr

Interstate and International Water Projects

As water demands increase and supplies diminish, interstate and international legal rights and obligations become critical in several areas of the state.

Moderator:

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

Panelists:

Gabriel Eckstein, Texas A&M University School of Law, Fort Worth, TX
Commissioner Patrick R. Gordon, Texas Rio Grande Compact Commission, El Paso, TX
R. Glenn Jarvis, Law Offices of Glenn Jarvis, McAllen, TX
Jim Oliver, Tarrant Regional Water District, Fort Worth, TX

2:15 p.m. 1.00 hr

Takings Litigation: Post-Day, Post-Bragg

A discussion of the state of regulatory takings law in Texas with a focus on claims involving groundwater.

Paul M. Terrill III, The Terrill Firm, P.C., Austin, TX
Deborah Clarke Trejo, Kemp Smith, LLP, Austin, TX

3:15 p.m. Break

3:30 p.m. 1.00 hr

Endangered Species: *TAP v. Shaw*

How much will the Endangered Species Act shape Texas water law? What are TCEQ's obligations regarding enforcement of the ESA in its management of the state's water resources?

Moderator:

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

Panelists:

Charles W. Irvine, Blackburn Carter, Houston, TX
Aaron M. Streett, Baker Botts, Houston, TX

4:30 p.m. Adjourn

“

Very well put together. Good balance of all views. Speakers were engaging and helpful.

I liked the structure and format of the program. The speakers were good and provided different sides of the issues.

Liked the mix of private practice attorneys, agency attorneys and elected officials.

Great topics and really good speakers. Hearing from TCEQ, TWDB and Groundwater Alliance representatives adds a lot to the conference.

One of the best and most well-organized conferences ever.

Although this is a law conference, there is enough practical and technical information for engineering types.

”

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Or mail your registration to:
The University of Texas
School of Law
Attn. Registration
PO Box 7759
Austin, TX 78713-7759

Or fax to:
512.475.6876

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After the Conference: Unlimited access to final, complete course materials—downloadable PDFs of papers and slides—in *Your Briefcase*.

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REGISTRATION—Includes Course Materials, Wednesday Evening Texas Water Law Overview, and Thursday and Friday Luncheon Presentations

For Group registration, call 512.475.6700.

1. Select Registration Type

Individual

- ☐ Registration by Friday, November 22, 2013 \$495
☐ Registration after Friday, November 22, 2013 \$545

Texas Alliance of Groundwater District Member

- ☐ Registration by Friday, November 22, 2013 \$350
☐ Registration after Friday, November 22, 2013 \$400

State Employee

- ☐ Registration by Friday, November 22, 2013 \$350
☐ Registration after Friday, November 22, 2013 \$400

2. Select Course Materials Format:

- ☐ Electronic Course Binder on USB Key ONLY
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2013

TEXAS WATER LAW INSTITUTE

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AUSTIN

December 4, 5–6, 2013

CONFERENCE LOCATION



Sheraton Austin Hotel at the Capitol

701 E. 11th Street
Austin, TX 78701
800.325.3535

Special Room Rate: \$139
good through November 11
(subject to availability)

Self Parking: \$5 daily; \$8 overnight
(limited availability)

KEY DATES

November 22, 2013

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

November 22, 2013

last day for full refund

December 2, 2013

last day for partial refund
\$50 processing fee applied

December 4, 2013, 6:00 p.m.

Wednesday Evening Session begins

December 5, 2013, 8:50 a.m.

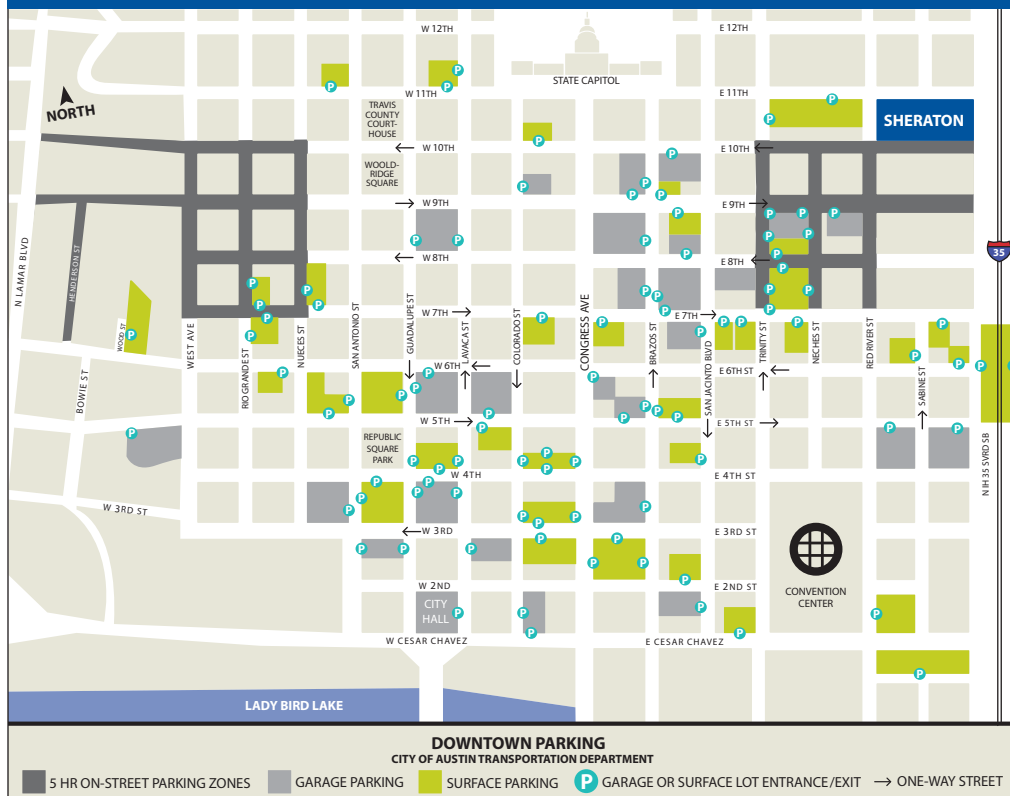
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MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 15.75 hours, of which 1.50 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).

SHERATON AUSTIN HOTEL AT THE CAPITOL



2013 TEXAS WATER LAW INSTITUTE HIGHLIGHTS

- Chairman Bryan Shaw on drought planning and response at the Texas Commission on Environmental Quality
- Chairman Carlos Rubinstein on the future of the reorganized Texas Water Development Board
- The history of drought in Texas and the drought outlook for 2014, as well as its potential impact on the Texas economy
- Drought from a hydrologist's perspective
- Finding and financing water for your project
- Analysis of recent water law cases and what passed and what didn't in the 83rd Texas Legislature
- Changes resulting from transfer of water utility regulation to the Public Utility Commission of Texas
- Ethical issues in expert testimony: engineers, experts, and protecting client privilege
- Wednesday evening's Texas Water Law Overview