

2009 Texas Water Law Institute
December 9*, 10-11, 2009 • Hyatt Regency Austin • Austin, TX

Wednesday Evening, Dec. 9, 2009

5:30 pm	Optional Session - Registration Opens Included in conference registration fee.
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
	Adjourn

Thursday Morning, Dec. 10, 2009

Presiding Officer:

Jim Mathews, Mathews & Freeland LLP - Austin, TX

8:00 am	Registration Opens Includes continental breakfast.
8:50 am	Welcoming Remarks
9:00 am 0.50 hr	Legislative Perspective on CCN's Is further modification necessary or desirable? Bill Callegari, Texas House of Representatives - Houston, TX
9:30 am 1.00 hr	Groundwater Ownership in Texas: When Does It Vest? A pro and con discussion of the issues raised by <i>City of Del Rio v. Hamilton Trust</i> and <i>Edwards Aquifer v. Day</i> , cases that are now pending for review before the Texas Supreme Court and the potential implications of the decisions. Sydney W. Falk Jr., Bickerstaff Heath Delgado Acosta LLP - Austin, TX Darcy Alan Frownfelter, Kemp Smith - Austin, TX
10:30 am	Break

	IS THERE A FUTURE FOR WATER MARKETING IN TEXAS?
10:45 am 0.50 hr	Economic Perspective on Water Marketing in Texas Mechanisms for making groundwater marketing work. Why is it so hard to market water in Texas? William E. Avera, FINCAP, INC. - Austin, TX
11:15 am 0.50 hr	Texas Water Marketing in Perspective Comparing the water marketing framework in Texas with the framework in other key western states. Mary Elizabeth Kelly, Environmental Defense Fund - Austin, TX
11:45 am	Break to Pick-Up Box Lunch Included in conference registration.

Thursday Afternoon, Dec. 10, 2009

Presiding Officer:

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

12:00 pm 0.50 hr	Legislative Update From the Pink Dome: significant water and environmental legislation courtesy of the 81st Legislature. Mark McPherson, McPherson LawFirm, PC - Dallas, TX
12:30 pm	Break
	GROUNDWATER MANAGEMENT ISSUES IN TEXAS
12:45 pm 1.00 hr	Local Control of Groundwater: Can It Work? Is local control working, and for whom? Should local districts be the state's preferred method of groundwater management? When do their regulations go too far? Steve Kosub, San Antonio Water System - San Antonio, TX
1:45 pm 1.00 hr	Role of Groundwater Districts: Desired Future Conditions How well is the process working? Horace Grace, Clearwater Underground Water Conservation District - Killeen, TX Marvin Winston Jones, Sprouse Shrader Smith PC - Amarillo, TX Daniel L. Krienke, North Plains Groundwater District/Groundwater Management Area 1 - Perryton, TX Randy Williams, Bar-W Groundwater Exploration - Sunset Valley, TX
2:45 pm	Break

3:00 pm 0.75 hr ethics	<p>Talking Out Loud: Ex Parte Communications and the Beleaguered Bureaucrat</p> <p>This presentation explores the implications of Ethics Advisory Opinion 587 and the ways that opinion has, or has not, altered our understanding of the ban on ex parte communications in contested administrative cases.</p> <p>Ron Lynn Beal, Baylor Law School - Waco, TX Lou Bright, Texas Alcoholic Beverage Commission - Austin, TX</p>
3:45 pm 1.75 hrs	<p>Developing and Implementing Environmental Flows Criteria</p> <p>The legal framework and overview of the environmental flow determination process.</p> <p>A case study: the Trinity Basin from different perspectives.</p> <p>Concludes with Q&A with the panel.</p> <p>Colette Barron Bradsby, Texas Parks & Wildlife Department - Austin, TX W. H. Espey Jr., Espey Consultants, Inc. - Austin, TX Ken Kramer, Lone Star Chapter, Sierra Club - Austin, TX Jim Oliver, Tarrant Regional Water District - Fort Worth, TX</p>
5:30 pm	Adjourn

Friday Morning, Dec. 11, 2009

Presiding Officer:

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

8:00 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
9:00 am 0.50 hr	<p>Climate Change: Relevance to Water Planning?</p> <p>Is there really going to be less water available? Do we need to adjust plans to compensate?</p> <p>George H. Ward Jr., Center for Research in Water Resources - Austin, TX</p>
9:30 am 0.75 hr	<p>Federal Issues in State Water Law</p> <p>What recent Federal Court decisions, legislation and regulation may mean to state water management.</p> <p>Roderick E. Walston, Best Best & Krieger LLP - Walnut Creek, CA</p>
10:15 am	Break
10:30 am 0.75 hr	<p>Energy and Water Supplies</p> <p>A discussion of the technical implications of cutting-edge innovations in water conservation, usage and alternative energy sources.</p> <p>Michael E. Webber, University of Texas Mechanical Engineering Department - Austin, TX</p>

11:15 am 0.50 hr	Edwards Aquifer Recovery Implementation Program An update on status and future direction. Robert L. Gulley, Edwards Aquifer Recovery Implementation Program Institute of Renewable Natural Resources - San Antonio, TX
11:45 am 0.33 hr	The Status of Expedited Decertification An update of cases, policy and issues related to TCEQ's expedited CCN decertification program and how the program impacts landowners and CCN holders. Leonard H. Dougal, Jackson Walker L.L.P. - Austin, TX

Friday Afternoon, Dec. 11, 2009

Presiding Officer:

Jim Mathews, Mathews & Freeland LLP - Austin, TX

12:05 pm	Break to Pick Up Lunch Included in conference registration fee.
12:20 pm 0.50 hr	Update on Texas General Land Office's Water Related Programs An overview of the Coastal Resources Division, and current water rights issues, including: <ul style="list-style-type: none"> -- Open Beaches: public access with changing shorelines -- State Owned Groundwater: its marketing and regulation Jerry Patterson, Texas General Land Office - Austin, TX
12:50 pm	Break
1:05 pm 1.00 hr	Innovative Strategies for Creating Water Supplies How can more water be "created" within the State guidelines? This discussion includes consideration of environmental requirements and alternatives from a hydrological perspective. Bob Brandes, Robert J. Brandes Consulting - Austin, TX Robert Huston, Former Chair, TCEQ - Austin, TX
2:05 pm 0.75 hr	System Operation of Existing Reservoirs and Water Rights as a New Source of Water How and why it works. The Brazos River Authority's system operation permit application, anticipated challenges and benefits of system operation. Doug Caroom, Bickerstaff Heath Delgado Acosta LLP - Austin, TX Tom Gooch, Freese and Nichols - Fort Worth, TX David Wheelock, Brazos River Authority - Waco, TX
2:50 pm	Break

3:00 pm
1.00 hr ethics

The Big Deal: Ethics of Negotiations Involving Economic Development

A discussion of ethical pitfalls, problem areas, conflict and confidentiality issues, and recommended approaches to negotiating economic development deals involving governmental entities, large out-of-state companies, investors, landowners and locals.

Ross Fischer, Denton, Navarro, Rocha & Bernal, P.C. - San Antonio, TX

4:00 pm

Adjourn