
State Bar of Texas
P. O. Box 12487
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7th Annual The Changing Face of Water Rights in Texas

LIVE May 18-19, 2006 San Antonio
VIDEO July 20-21, 2006 Dallas

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The Return of a Popular Course to a New Time of Year!

TexasBarCLE
CONTINUING LEGAL EDUCATION

The Changing Face of

Water Rights

in Texas

May 18-19, 2006
San Antonio
Hyatt Regency Hill
Country Resort & Spa



Come a day early for

Water Rights Boot Camp

May 17, 2006
(separate registration
required)



TexasBarCLE presents the 7th Annual

The Changing Face of Water Rights in Texas

Cosponsored by the Environmental and Natural Resources Section and the Real Estate, Probate and Trust Law Section of the State Bar of Texas

LIVE

San Antonio

May 18-19, 2006

Hyatt Regency Hill

Country Resort & Spa

VIDEO

Dallas

July 20-21, 2006

Cityplace Conference Center



MCLE CREDIT

13.25 HOURS (2 ETHICS)

MCLE COURSE NO:

000094482

Applies to the College of the State Bar of Texas and to the Texas Board of Legal Specialization in Law.

Thursday

7.5 hrs including 1.25 hrs ethics

7:45 **Registration** (Check your hat and gun with the Bar)

8:30 **Welcoming Remarks and Introduction**
Hear about important recent developments in the statutory, regulatory, administrative, and case law affecting water rights, and get practical advice that adds value to your law practice.

John R. Pitts, *Austin*
Attorney at Law
Institute Marshal

Michael A. Gershon, *Austin*
Lloyd, Gosselink, Blevins, Rochelle & Townsend
Institute Marshal

Support Your Local Sheriff

8:45 **Groundwater Conservation Districts: The Legislature's Preferred and Localized Method of Regulation** .75 hr
Expanding on the Fundamentals of Groundwater Law, this topic will evaluate the jurisdiction and authority of groundwater conservation districts to impose limits on drilling and spacing wells, and the quantity of water produced, used, and transported beyond a district's boundaries. Hear about recent lawsuits, controversies, and other challenges faced by those with a stake in groundwater.

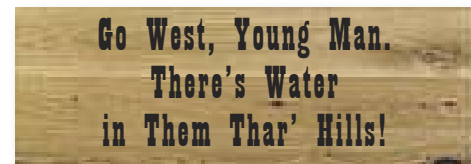
Mary Kathryn Sahs, *Austin*
Sahs & Associates

9:30 **Review of Edwards Aquifer Authority's Jurisdiction with a Focus on the Effect on Developers, Landowners, Utilities and Cities** .75 hr
Learn about developments at the EAA and the impact of EAA's regulatory reach on developers, water utilities, and other industrial, agricultural, and municipal users.

Robert J. Potts, *San Antonio*
General Manager, Edwards Aquifer Authority

Devin "Buck" Benson, *San Antonio*
Earl & Associates

10:15 **Break for the Watering Hole**



10:30 **Groundwater Availability - Will There Be Water When You Need It?** 1.25 hrs
Statutory changes in 2005 set forth procedures for determining groundwater availability and defining the role of the Texas Water Development Board, groundwater conservation districts, ground-water management areas, regional water planning groups, and other parties. Learn about the law, how these decisions are made, and how you can assure your client's

interests are protected. Also: why groundwater availability modeling is critically important for developers and water planners and how modeling can be used by groundwater conservation districts, counties, and cities to restrict your right to subdivide or produce water.

Ty H. Embrey, *Austin*
Lloyd, Gosselink, Blevins, Rochelle & Townsend

Robert E. Mace, Ph.D., P.G., *Austin*
Director - Groundwater Resources Division
Texas Water Development Board

James M. Oliver, P.G., *San Antonio*
Vice President, AMEC
Environmental

11:45 **A Fistful of Dollars? Negotiations and Transactions in Groundwater Marketing and Conveyances** .5 hr *ethics*

Are we contracting for personal or real property or some species of both? Who bears the risk of changes in the law? Are take-or-pay and other price terms reasonable? How to address groundwater availability in the contract? Feasibility period? Who is responsible for complying with groundwater district regulations? Learn about these negotiating considerations and more.

Landowner/Investor Perspective
Edmond R. McCarthy, Jr., *Austin*
Jackson, Sjoberg, McCarthy & Wilson

Utility/Municipality Perspective
Emily Willms Rogers, *Austin*
Bickerstaff, Heath, Pollan & Caroom

12:15 **"Peacemaker" Ethics Presentation. Lunch Provided**

12:30 **Check Your Holster at the Bar: Mediating Water Disputes Pursuant to House Bill 1763**

.75 *ethics*
House Bill 1763 (passed during the 2005 Legislature) directs the Texas Water Development

Board, groundwater conservation districts, regional water planning groups, and other parties to mediate their disputes through the Center for Public Policy Dispute Resolution. Obtain valuable insight about the Center's water-related activities.

Suzanne Schwartz, *Austin*
General Counsel, Center For Public Policy Dispute Resolution

1:15 **Break for the Outhouse**



1:30 **The Grand Junction: Managing Groundwater and Surface Water** .75 hr

This presentation addresses conjunctive use and the implications of planning, use, and regulation of two water resources governed by very different state law, focusing on practical considerations of water users who seek to use both resources.

Hunter Wyatt Burkhalter, *Austin*
Kemp Smith

Glenn Jarvis, *McAllen*
Law Offices of Glenn Jarvis

2:15 **Surface Water Conveyancing: Guidance in Negotiations and Transactions**

.75 hr (.5 *ethics*)
Is the water dependable in drought periods? Are take-or-pay and other price terms reasonable? What's the cost to transport the water to the place of use? Who pays regulatory costs? Termination provisions? Learn about these negotiating considerations and more.

River Authority/Seller-Lessor's Perspective

James Lee Murphy, III, *Irving*
Trinity Water Authority

Utility/Municipality/Developer Perspective

Gwendolyn H. Webb, *Austin*
Webb & Webb

3:00 **Breakout!**

3:15 **Open Range: The Square-Off Between Utilities and Landowners in the Turf Battle over Certificated Service Area ("CCN")** .75 hr

Hear about changes in CCN law enacted by the 79th Legislature, and the Texas Commission on Environmental Quality's implementing regulations, as well as developments at the Commission and the State Office of Administrative Hearings, and how these new laws affect stakeholders.

Rep. Bill Callegari, *Houston*
State Representative, District 132

Bruce Wasinger, *Austin*
Bickerstaff, Heath, Pollan & Caroom

4:00 **Water and Wastewater-Related Considerations for New Development** .75 hr

A developer and nearby utilities consider many issues when planning for or negotiating new water and sewer service. Should the developer establish a water supply corporation, WCID, MUD, or other type of utility? Is the existing utility fairly assessing impact fees and rates under its tariff? How best to fund costs?

Lara Kay Nehman, *Austin*
Texas Rural Water Association

John J. Carlton, *Austin*
Armbrust & Brown

4:45 **Municipal and County Planning: Water Supply Based Development Restrictions** .5 hr

Duncan C. Norton, *Austin*
Lloyd, Gosselink, Blevins, Rochelle & Townsend

5:15 **Adjourn**



Friday

5.75 hrs including .75 hrs ethics

When the Honchos Speak... We Had Better Be Listening

9:00 **Legislative Update - The 79th Legislature's Water Law and Real Estate Law Legacy** .5 hr
Mark McPherson, *Dallas*
McPherson & Associates

9:30 **Legislative Update - Senate Bill 3 - What Happened To It and Where Is It Now** .5 hr
Hope Elizabeth Wells, *Austin*
General Counsel, House of National Resources Committee

10:00 **Break**

10:15 **Agency Report** 1 hr
What's New, What's Policy, Where are the Conflicts? How do statewide offices impact real property transactions? An open and frank discussion on the impact of legislation on their agencies, an agency's role in developing water policy, and the implementation and impact of those policies.

Joseph B.C. Fitzsimmons, *San Antonio*
Chair, Texas Parks and Wildlife Commission

Thomas Weir LaBatt, III, *Austin*
Texas Water Development Board

Kathleen Hartnett White, *Austin*
Chair, Texas Commission on Environmental Quality

11:15 **Legislator's Perspective on What's Happening in Texas Water Rights** 1 hr

Sen. Kenneth Armbrister, *Victoria*
State Senator, District 18

Rep. Robert R. Puente, *San Antonio*
State Representative District 119

12:15 **Luncheon Presentation: Legislative Ethics** .75 ethic

Ethics Commission Rules and how they apply to the practitioner

Charles "Chuck" Bailey, *Austin*
Attorney at Law

1:00 **Break**

Whiskey is for Drinking and Water is for Fighting...

1:15 **Instream Flows** .75 hr
The question is not whether environmental flows are important and should be protected, but how, when, and where and in what quantities should flows be reserved for environmental purposes in the State's waterways. Come see how these questions are being addressed.

Colette Barron Bradsby, *Austin*
Texas Parks & Wildlife Dept

Gregory E. Rothe, *San Antonio*
General Manager, San Antonio River Authority and President-Elect, Texas Water Conversation Association

2:00 **Reuse Panel** .5 hr
The presentation will focus on reuse as a valuable tool that is beneficial to several cities while also focusing on the potential impact on stream flows which is detrimental to several cities. The presenters will approach the issue as seen by the Texas Commission on Environmental Quality, environmentalist and consultant.

James B. Blackburn, Jr., *Houston*
Blackburn & Carter

Stephanie Bergeron Perdue, *Austin*
Acting Deputy Director, Office of Legal Services
Texas Commission on Environmental Quality

Robert Huston, *Austin* (Confirmed, cannot find in EM or Membership)

2:30 **Watermaster Program** .75 hr
Get an overview of Texas water law governing the establishment and operations of a watermaster on a stream or segment of a stream. Find out recent case and legislative developments, and the role, functions and activities of a watermaster program from a watermaster's perspective.

Al Segovia, *San Antonio*
South Texas Watermaster

Timothy L. Brown, *Austin*
Law Offices of Timothy Brown

3:15 **Adjourn**

Ya'll come back now, ya hear?!

Water Rights Boot Camp

Wednesday

2.25 hrs including ?? hrs ethics

6:00 **Registration** (Check your hat and gun with the Bar)

6:30 **Welcoming Remarks and Program Introductions**

Texas water law continues to significantly evolve. Boot camp will provide a primer on groundwater and surface water law, along with an introduction to the state agencies, local governments, utilities, and other players with a stake in water resource planning, management, and use.

John R. Pitts, *Austin*
Attorney at Law

Michael A. Gershon, *Austin*
Lloyd, Gosselink, Blevins,
Rochelle & Townsend

6:45 **Fundamentals of Groundwater Law** .75 hr

Brief review of the evolution of the rule of capture, and overview of the basics directed toward those unfamiliar with

groundwater law. Focuses on case law, statutes, and regulations that govern groundwater resource regulation, planning, and usage.

Sheridan L. Gilkerson, *Austin*
Jackson, Sjoberg, McCarthy & Wilson

Howard D. Bye, San Antonio
Cox Smith Matthews
Incorporated

7:30 **Fundamentals of Surface Water** .75 hr

This presentation provides an overview of the basics of surface water law directed toward those unfamiliar with the law pertaining to the right of use of water in rivers and streams. Includes a review of riparian rights, the prior appropriation doctrine, domestic and livestock use, and state regulatory acquisition and control of water rights.

M. Robin Smith, *Austin*
Texas Commission on
Environmental Quality

Karey N. Oddo, *Austin*
Winstead Sechrest & Minick

8:15 **The Players - Who's Who in Water Rights** .75 hr

These speakers will delineate the roles of utilities, developers, and local, state, and federal regulators, and identify issues involving water resource planning, regulation, usage, and related financing. Contact information and organizational charts included.

Carolyn Brittin, *Austin*
Dir., Water Resource Planning
Texas Water Development Board

Anthony S. Corbett, *Austin*
Freeman & Corbett

9:00 **Adjourn**

MCLE CREDIT
2.25 HOURS
MCLE COURSE NO: 000094485

Applies to the College of the State Bar of Texas and to the Texas Board of Legal Specialization in ?????????????????? Law.

Reserve Your Hotel Room Early

Hotel rooms have been blocked at special rates, on a space available basis. To make a reservation, contact the hotel and indicate you are attending the State Bar of Texas Water Rights Course.



Hyatt Regency Hill Country Resort & Spa

LIVE
San Antonio
Hyatt Regency Hill Country
Resort & Spa
9800 Hyatt Resort Drive
210-647-1234

\$185 for a single/double*
Deadline: April 19, 2006*

* The reserved block of rooms may fill up before the deadline indicated.
Act now!

VIDEO
Dallas
Cityplace Conference Center
2711 N. Haskell

No hotel rooms have been blocked for this site

COURSE INFORMATION

Register Early and Save \$20

by registering no later than two weeks before each presentation date. Early registrations help us ensure that sufficient course books, seating, and refreshments will be available. Registrations are accepted on a space-available basis. Course materials and seating will be reserved for pre-registrants until the start of the first presentation. No confirmation will be sent; pick up your name tag and program materials at the program.

Are You a Member of the Cosponsoring Sections?

This course is cosponsored by the Real Estate, Probate & Trust Law Section and the Environmental & Natural Resources Section of the State Bar of Texas. If you are a current member, or you agree to become one by the date of the presentation that you plan to attend, you save \$30. See registration form for details.

Qualifying Judges

have a non-transferable reduced course registration fee. This fee applies provided, (1) the course is directly related to the jurisdiction of their tribunal, (2) they are full-time judges or judges retired under the judicial retirement system and (3) space is available after admission of all paid registrants. Judges must actually attend to receive course materials. This non-transferable privilege does not extend to receivers, trustees, court staff, or persons serving part-time in any judicial capacity.

If You Register But Cannot Attend

you can still earn participatory MCLE credit and receive the written materials. First, consider transferring your registration fee to the later video presentation of the course; to do so, call 800-204-2222, x1574. Second, as a registrant, you are entitled to special benefits via our web site (see "Two Free Online Benefits For Course Registrants," below). However, if you wish a refund instead, mail or fax (512-463-7387) your request so that we receive it at least one business day before the program. Registrants who do not attend will be sent the course materials.

Two Free Online Benefits for Course Registrants

will be available 4-8 weeks after the course: (1) streaming video and audio versions of each presentation and (2) electronic versions of the course materials. To access these benefits, log onto TexasBarCLE.com. To view videos, look under "Your Online Classroom" and click on "Free Classes from Seminars You've Attended." For course materials, check our home page for "Your Online Library." Below that, click on "Free Articles from Seminars You've Attended." Remember: there's no extra charge. As a registrant, you're already entitled!

MP3 CDs

require an MP3-compatible device (e.g., an iPod or a portable or non-portable CD/MP3 player) for playback. Older CD Players may not play MP3 CDs. Most computers can play MP3 CDs; many can be used to extract MP3 files and burn them onto audio CDs playable in car stereos. MP3-compatible devices may be combined with a commercially available adaptor to transmit sound to a car's FM radio or audiocassette player.

Persons with Disabilities

who need special accommodations to attend should contact us as soon as possible at 1-800-204-2222, x2097.

Cityplace Conference Center offers assisted parking to drivers of handicap-designated vehicles. For arrangements, please call 800/204-2222, ext. 2097 in advance of your arrival.



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The Changing Face of Water Rights in Texas

1 Check boxes to select course/site:

The Changing Face of Water Rights in Texas 8020

San Antonio LIVE, May 18-19 \$440

Early Registration Deadline: May 4

Dallas VIDEO, July 20-21 \$305

Early Registration Deadline: July 6

Nuts & Bolts of Texas Water Rights 8021

San Antonio LIVE, May 17 \$85

Dallas VIDEO, July 19 \$75

(No discounts or fees under next column's "2" apply.)

2 Check all applicable boxes below to calculate your fee:

Subtract \$20 if registering before the Early Registration Deadline at left. (If registration is by mail, date of postmark will determine if this fee applies.)

Subtract \$30 if you are a member of the State Bar Environmental & Natural Resource Section or the Real Estate, Probate & Trust Law Section -OR- member of the State Bar College -OR-

Subtract \$25 if you are a member of the State Bar Legal Administrators or Paralegal Division -OR- if licensed two years or less.

No charge for Qualifying Judge

My payment after all calculations above: \$ _____

3 I can't attend. Just send course materials.*

Course book \$145 each[†]

Set of Course audio MP3 speeches on CD^{††} \$150 per set[†]

Set of Course audio CDs \$230 per set[†]

Boot Camp book \$80 each[†]

4 I am paying by:

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512-463-1463, x1574

*Online versions (PDFs) of course materials will be available 4-6 weeks after the course. Check the Online Library at TexasBarCLE.com.
[†]Plus \$10 postage/handling per order for books (\$5 per order for audio CDs or practice manual CD-ROMs) and 7.25% tax (8.25% for Austin address) on total. Book orders and audio CD orders are shipped separately and filled approximately 4 weeks after the first live program. You will be billed unless you authorized a credit card charge above.

^{††}Requires MP3-compatible player for playback. Older CD players may not play MP3s. See "MP3 CDs" under "Course Information."