

The Changing Face of Water Rights in Texas 2004

San Antonio - Thursday-Friday, February 26-27, 2004 - Hyatt Hill Country Resort

13.25 hours/2.75 ethics

Thursday, February 26 7.25 hours including 1.25 hours ethics

8:00 **Registration**

8:45 **Welcoming Remarks and Program Introductions**

William Terry Bray, *Austin*
Graves, Dougherty, Hearon & Moody

Lyn E. Dean, *Austin*
Lower Colorado River Authority

9:00 **1. The Players .5 hr**

Learn what state and local entities have jurisdiction over your client's water issues, when you need to work with them, where they're located and what their roles are. Contact information and organizational charts included.

Louis T. Rosenberg, *San Antonio*
Law Office of Louis T. Rosenberg

9:30 **2. Groundwater Districts - Where Are We Now? .75 hr**

Brief overview of groundwater law and how groundwater districts have evolved and are dealing with issues facing them (i.e. water quality, rulemaking, litigation). Including a survey of districts and contact information.

Hunter Wyatt Burkhalter, *Austin*
Kemp Smith

10:15 **Break**

10:30 **3. Surface Water Permitting .75 hr**

After a brief overview of surface water law, learn about the surface water permitting process and potential pitfalls. Learn how environmental flows, interbasin transfers, and water rights amendments may affect your client's ability to acquire or amend a surface water right.

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

11:15 **4. Exemptions to the Water Permitting Process .75 hr**

What can your client do with water without first obtaining a permit or contract?

Lyn E. Dean, *Austin*
Lower Colorado River Authority

12:00 **Box Lunch Provided**

- 12:15 **5. Luncheon Presentation:**
What's Happening in Other Water Conscious States? .75 hr
Charles T. DuMars, *Albuquerque*
Law & Resource Planning Associates
- 1:00 **Break**
- 1:15 **6. Drafting for Surface Water Conveyancing or Purchasing of Water by Contract**
.5 hr/.25 hr ethics
Robin A. Melvin, *Austin*
Graves, Dougherty, Hearon & Moody
- 1:45 **7. Drafting for Groundwater Conveyancing .5 hr/.25 hr ethics**
Frank Z. Ruttenberg, *San Antonio*
Bracewell & Patterson
- 2:15 **8. Drafting a Groundwater Production Lease .5 hr/.25 hr ethics**
John E. Gangstad, *Austin*
Bickerstaff Heath Smiley Pollan Kever & McDaniel
- 2:45 **Break**
- 3:00 **9. Drafting Collateral Loan Documents for a Water Deal .75 hr /.25 hr ethics**
Rhonda S. Jolley, *San Antonio*
Matthews & Branscomb
- 3:45 **10. Valuation of Water Rights .75 hr/.25 hr ethics**
How it's done, issues involved and controversies surrounding it.
Martyn Glen, *San Antonio*
The Glen Company
- 4:30 **11. Yes, Your Client's Water Right Can Be Condemned or Taken - Learn How and Why**
.75 hr
Including significant legislative and court developments
P. Steven Kosub, *San Antonio*
San Antonio Water System
- 5:15 **Adjourn**

Friday, February 27 6 hours including 1.5 hours ethics

- 8:30 **12. Environmental Due Diligence and Redevelopment Strategies** .5 hr/.25 hr ethics
Learn about reducing risks and raising funds to redevelop property with real or perceived water contamination
Michael J. Nasi, *Austin*
Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend
- 9:00 **13. Due Diligence Regarding Water and Wastewater Service – What Kind of Entity Will Provide Service and Why You Should Care.** 5 hr
Anthony S. Corbett, *Austin*
Freeman & Corbett
- 9:30 **Break**
- 9:45 **14. Water Management in Time of Drought** .75 hr
Learn about creative conservation options, recent legislation related to drought contingency plans, water conservation plans, and restrictions on property owners' association rules, and the role of the Water Conservation Task Force. (Including examples of draft plans, update on rules, and relative contract clauses)
Risher Smith Gilbert, *El Paso*
Gilbert, Coffey & Hobson
- 10:30 **15. Why Do the Models (GAM and WAM) Matter to Your Client?** 1.25 hrs
Learn the basics and significance of water and groundwater availability models: how they can help your client find water; how these models are used by regulators; how they affect platting requirements; and how they ultimately affect your client.
Bob Brandes, *Austin*
R. J. Brandes Company

Leonard H. Dougal, *Austin*
Jackson Walker

Robert E. Mace, Ph.D., P.G., *Austin*
Director of Groundwater Resources
- 11:45 **Luncheon Provided**
- 12:00 **16. Luncheon Presentation:
Ethics Roundtable** 1 hr ethics
Robert R Flores, *Austin*
Texas Water Development Board
- 1:00 **Break**
- 1:15 **17. Interesting Cases in the Realm of Water Rights** .5 hr
Kenneth C. Kaye, *League City*
Law Offices of Kenneth C. Kaye

- 1:45 **18. Real Deals .5 hr**
Learn what kind of water deals are out there: the parties, the issues, the experiences, the solutions? (City of Marshall, Kenny County, GBRA water field).
John R. Pitts, *Austin*
Akin, Gump, Strauss, Hauer & Feld
- 2:15 **19. Tying It All Together: Roles of Landowner/Rancher, Developer, Municipality, Water District, Environmental Interest in the Water Deal 1 hr/.25 hr ethics**
Douglas W. Becker, *San Antonio*
Chicago Title Insurance Co.
- Rhonda S. Jolley, *San Antonio*
Matthews & Branscomb
- Myron J. Hess, *Austin*
National Wildlife Federation
- Risher Smith Gilbert, *El Paso*
Gilbert, Coffey & Hobson
- Michael A. Gershon, *Austin*
Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend
- 3:15 **Adjourn**