



Raising the Bar of Continuing Education

13<sup>th</sup> Annual

# Montana Water Law

SEPTEMBER 17 & 18, 2013 ♦ GREAT NORTHERN HOTEL ♦ HELENA, MT

## ACCREDITATION

### MT CLE:

11.0 Credits, incl. 1.0 Ethics

### WY CLE:

10.75 Credits, incl. 1.0 Ethics

### Architects/Engineers & Land Surveyors:

May Qualify

## Who Should Attend:

- Attorneys/Legal Staff
- Farmers & Ranchers
- Water & Irrigation Managers
- Government Officials
- Consultants/Engineers
- Government Planners
- Estate/Financial Planners
- Environmentalists
- Utility Workers
- Tribal Members

[www.TheSeminarGroup.net](http://www.TheSeminarGroup.net)

## Why You Should Attend:

*Once again we have assembled another outstanding line-up of speakers to keep you current on recent legislative developments and judicial decisions regarding water quantity and quality. This conference provides substantive and procedural pointers for appearing before the DNRC, the Water Court and the district courts, and addresses the key water policy issues of today. If you are involved in any way with water in Montana, you do not want to miss this conference.*

*Join program co-chairs **John E. Bloomquist**, partner at **Doney Crowley Payne Bloomquist PC & Holly J. Franz**, partner at **Franz & Driscoll PLLP**, as we cover the latest issues and hot topics in Montana Water Law.*

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## 5 EASY WAYS TO REGISTER

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- 2 FAX: 866-435-3444
- 3 EMAIL: [info@TheSeminarGroup.net](mailto:info@TheSeminarGroup.net)
- 4 PHONE: 206-463-4400 / 800-574-4852
- 5 MAIL: Box 523, Vashon, WA 98070

CONFERENCE  
SCHEDULE  
INSIDE



# 13<sup>th</sup> Annual Montana Water Law - Helena, MT

Tuesday, September 17, 2013

Wednesday, September 18, 2013

**8:15-8:45 Optional Session: Water Rights 101**  
A Water Rights Primer on Water Distribution Matters

**John E. Bloomquist**  
*Doney Crowley Payne Bloomquist PC*

**9:00 Welcome and Introduction of Day One**  
**John E. Bloomquist, Program Co-Chair**  
*Doney Crowley Payne Bloomquist PC*

**9:10 Update on the 2013 Legislation**  
Review of the 63rd Session of the Montana Legislature  
**Joe Kolman, Director**  
*Montana Legislative Environmental Policy Office*

**9:45 DNRC Permits and Change Authorizations**  
• The New Application Process; Update on New Procedures; Is it Working?  
**Millie Heffner, Water Rights Bureau Chief**  
*Montana DNRC*  
• Stories of Going through the Process  
**Karl Uhlig, Water Resource Specialist**  
*WGM Group, Inc.*

**10:30 Break**

**10:45 Water Court Litigation Confirmed - Learn from the Experts**  
• Evidentiary Issues

**Stephen R. Brown**  
*Garlington Lohn & Robinson PLLP*

• Pre-1973. Why?

**Matthew W. Williams**  
*Williams & Jent PLLP*

• Witness Preparation

**Michael J.L. Cusick**  
*Moore O'Connell & Reffing PC*

**12:00 Lunch (on your own)**

**1:15 Water Court Update**  
Adjudication Progress Update

**Hon. Russ McElyea**  
*Montana Water Court*

**2:15 Montana/CSKT Compact: Status and Issues of Importance**

**John B. Carter**  
*Confederated Salish & Kootenai Tribes*

**Brian C. Shuck**  
*Law Office of Brian C. Shuck PC; Cheyenne, WY*  
**Jay Weiner, Asst. Attny. General/Staff Attny.**  
*MT DOJ/Reserved Water Right Compact Commission*

**3:45 Break**

**4:00 Reflections on the Adjudication**  
Observations after 23 Years as Chief Water Judge  
**Hon. C. Bruce Loble (retired)**  
*Montana Water Court*

**4:30 Adjourn for Reception & Networking**

**9:00 Welcome and Introduction of Day Two**  
**Holly J. Franz, Program Co-Chair**  
*Franz & Driscoll PLLP*

**9:10 Water Rights Case Update**  
**Holly J. Franz**  
*Franz & Driscoll PLLP*

**10:00 Fracking**  
Water Rights; Water Quality; Where/How to Get a Secure Water Supply; Insuring Fracking Operations; Liability Issues; Environmental Issues  
**Renee L. Coppock**  
*Crowley Fleck PLLP*  
**Barclay Richard Nicholson**  
*Fulbright & Jaworski LLP; Houston, TX*

**11:00 Break**

**11:15 Water Use Act Enforcement**  
The New Flexibility and Processes Created by HB 37 and HB 106; Permits of Change Violations, Water Distribution and Water Court Decrees  
**Tim Davis, Water Resources Div. Admin.**  
*Montana DNRC*  
**Hugh B. McFadden, Jr., Water Master**  
*Montana Water Court*

**12:00 Lunch (on your own)**

**1:00 Conjunctive Management**  
Stream Depletion Zones; Well Development; How to Fit Groundwater into Enforcement of Priority  
**Abigail J. St. Lawrence**  
*Law Office of Abigail J. St. Lawrence*  
**Senator Chas V. Vincent**  
*Montana State Senate; Libby, MT*

**2:00 Ethical Considerations: Conflicts of Interest and Other Ethical Dilemmas in Water Right Cases**  
**G. Steven Brown**  
*Attorney at Law*

**3:00 Adjourn**

Learn From The Best!  
Sign Up Today!

# The Seminar Group ~ FACULTY

13<sup>th</sup> Annual Montana Water Law



**John E. Bloomquist**, Program Co-Chair, is a partner at Doney Crowley Payne Bloomquist PC. He represents a variety of clients in their litigation, legislative, and regulatory matters. He is a former Water Master with the Montana Water Court and emphasizes water, public lands, natural resources, real estate, administrative, and governmental relations law in his private practice.

**Holly J. Franz**, Program Co-Chair, is a partner at Franz & Driscoll PLLP where she practices in the areas of water rights and government relations. She is a member of the Upper Clark Fork River Basin Steering Committee and Clark Fork Task Force. She is the Montana reporter for the Rocky Mountain Mineral Law Foundation's Water Law Newsletter and is past President of the Montana Water Resources Association.

**Stephen R. Brown** is a partner with Garlington Lohn & Robinson PLLP, where he concentrates his practice in environmental, natural resources, and energy law, with particular emphasis on water rights, oil and gas and environmental cleanup and compliance matters.

**G. Steven Brown** is an Attorney at Law. He has served as Governor's representative on Environmental Quality Council, from 1973-1977, served as Montana State Senator, from 1979-1983, and has been on several committees.

**John B. Carter** has represented the Confederated Salish and Kootenai Tribes of the Flathead Nation on treaty rights, natural resources, jurisdictional disputes and water rights matters since 1983.

**René L. Coppock** is an attorney with Crowley Fleck PLLP. She has practiced in the areas of agricultural law, water law, real estate transactions, bankruptcy, commercial litigation and environmental law since joining the firm in 1987.

**Michael J.L. Cusick** has been a member of the Bozeman law firm of Moore O'Connell & Refling PC for 13 years. He practices in the areas of water rights adjudication, water law, and real estate.

**Tim Davis** is Administrator of the Water Resources Division at the Montana Department of Natural Resources and Conservation. He oversees a dedicated staff who protect Montana's 350,000 filed water rights & review applications for new water rights appropriations.

**Millie Heffner** is the Water Rights Bureau Chief for the Department of Natural Resources and Conservation. She has been with the Water Rights Bureau since 2008 and has been working for the DNRC since 2005.

**Joe Kolman** is Director of the nonpartisan Environmental Policy Office of Legislative Services. He is staff for the Environmental Quality Council and the Water Policy Interim Committee.

**Hon. C. Bruce Loble** served six terms and 23 years as chief water judge of the Montana Water Court and will retire on July 1, 2013. His work at the Water Court was profiled in Time Magazine in 2002 and in Courts Today in 2005.

**Hon. Russ McElyea** was appointed to the Montana Water Court in 2012. Prior to becoming a judge, he was a partner with Moore O'Connell & Refling PC, and Chief Operating Officer of Moonlight Basin.

**Hugh B. McFadden, Jr.** has been a water master with the Montana Water Court since 2006. Previously, he was head of the water law section in the Wyoming Attorney General's office.

**Barclay Richard Nicholson**, a partner with Fulbright & Jaworski LLP in Houston, TX, focuses his practice on energy and business disputes, he also serves on the firm's Shale and Hydraulic Fracturing Task Force.

**Brian C. Shuck** is founder of the Law Office of Brian C. Shuck PC in Cheyenne, Wyoming. He represents and advises a variety of clients with water and natural resource issues, including ESA, FERC hydropower re-licensing, and public lands.

**Abigail J. St. Lawrence** is an attorney in private practice representing clients in administrative and regulatory matters, litigation, and government relations. Her practice emphasizes water, land use, real estate, natural resources, and environmental law.

**Senator Chas V. Vincent** serves the Montana State Senate, District 1. He is the current chair of the Environmental Quality Council and previously served on the Natural Resource Committee.

**Karl Uhlig** is a Water Resources Specialist at WGM Group, Inc. in Missoula, where he specializes in water rights and water use issues. Previously he worked with the Montana Dept. of Fish, Wildlife & Parks and the DNRC.

**Jay Weiner** is an Assistant Attorney General responsible for water-related litigation with the Montana DOJ and a staff attorney for the Montana Reserved Water Rights Compact Commission.

**Matthew W. Williams** is a partner with Williams & Jent PLLP. For over 26 years, his practice has heavily emphasized water and environmental matters in both judicial and administrative contexts.

**Register Today!**

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**Registration:** Please mail or email your registration as soon as possible since enrollment is limited. You may also register with a credit card via phone, fax or online. Walk-in registrations will be accepted subject to space availability. Please call THE SEMINAR GROUP at (206) 463-4400 or (toll free) (800) 574-4852, or fax to (866) 435-3444, or email: [registrar@TheSeminarGroup.net](mailto:registrar@TheSeminarGroup.net)

**Tuition:** The tuition fee includes attendance at all sessions, coffee breaks, and all course materials. **Full Tuition:** \$600 per person; Special Government rate: \$500 per person; New Associate/Paralegal rate: \$450 per person; Engineer/Land Surveyor rate: \$450 per person; Tribal Members rate: \$450 per person; Student rate: \$400 per person. Farmer/Rancher: \$350 per person; Make checks payable to: THE SEMINAR GROUP.

**Save When Two or More Register:** Save \$50 each off of the **Full Tuition fee only** when two or more register from the same organization at the same time. *Multiple discounts do not apply.*

**Course Accreditation:** This course has been approved by the Montana State Bar for a total of 11.0 CLE credits, including 1.0 ethics credit; and approved by the Wyoming State Bar for 10.75 CLE credits, including 1.0 ethics. This course may qualify for architect, engineer and land surveyor credit through the Montana Board for Architects, Professional Engineers and Professional Land Surveyors. For information

or accreditation in other states, please call THE SEMINAR GROUP at (206) 463-4400 or (800) 574-4852.

**Substitution/Cancellation:** You may substitute another person at any time. We will refund tuition, less a **\$50 cancellation charge**, if we receive your cancellation by **Wednesday, September 11, 2013**. No refunds will be given after this date. *Please note that if you do not cancel by the deadline and/or do not attend, you are still responsible for payment.*

**Course Materials:** Each participant will receive a set of course materials, prepared by the speakers especially for this conference, which will be invaluable as a future reference. The course materials alone are available for \$200 which includes shipping and handling.

**Homestudy Package:** Our complete Homestudy Course, consisting of a full DVD or Audio CD and the Course Materials, is available for \$625. This package may qualify for up to 5.0 hours of Montana continuing legal education self-study credits and may qualify for self-study credit in other states.

**Seminar Location:** The seminar will be held at the Great Northern Hotel, 835 Great Northern Boulevard, Helena, Montana, (406) 457-5500. Please call the hotel for directions/questions.



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### 13th Annual Montana Water Law

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**I cannot attend. Please send me:**  Course Materials Only  
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#### Conference Fees

- Single Registration \$600
- 2 or more (one company) \$550
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- Engineer/Land Surveyor \$450
- Tribal Member \$450
- Student \$400
- Farmer/Rancher \$350
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 ARCHITECTS/ENGINEERS/LAND SURVEYORS: May Qualify



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