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Wyoming Water Law

Water Supply, Use and Quality in Times of Drought

March 27-28, 2003 • Little America Hotel • Cheyenne

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- Western EcoSystems Technology
- Western Governors' Association
- Fassett Consulting
- Trout Unlimited
- Wyoming Department of Environmental Quality
- Wyoming Association of Conservation Districts
- University of Wyoming
- Wyoming Water Development Commission
- Colorado Department of Natural Resources
- Wyoming Attorney General's Office
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Brian C. Shuck, Esq.
Program Co-Chair
Law Office of Brian C. Shuck
Cheyenne



Kara Brighton, Esq.
Program Co-Chair
Hageman & Brighton
Cheyenne



Harriet M. Hageman, Esq.
Program Co-Chair
Hageman & Brighton,
Cheyenne

Dear Colleagues:

Water rights and the way in which this precious commodity is managed and used are critical issues in Wyoming. Water use and management impacts the lives of our neighbors and clients on a daily basis. Addressing water issues in today's environment requires a combination of technical legal skills, creativity and sound business acumen.

For the 2003 Wyoming Water Law Conference, CLE International has assembled a group of experienced water professionals and lawyers to share their insights on how best to represent your clients when dealing with this all-important natural resource.

The faculty is comprised of state water administrators, federal agency representatives, and attorneys and other professionals who will share valuable legal information as well as address the various interests of water users, hydropower, Indian tribes, irrigation districts, recreational users, and environmental groups.

We are pleased to chair this conference and encourage you to attend. Mark your calendars now and plan to attend the Wyoming Water Law Conference March 27-28, 2003.

We look forward to seeing you there.

  
Brian C. Shuck, Esq. **Kara Brighton, Esq.** **Harriet M. Hageman, Esq.**



Visit our website at cle.com for a complete listing of MCLE requirements in all states. You will also find a schedule of our upcoming conferences and a listing of available homestudy courses.

Register Online at www.de.com or Call (800) 873-7130
Conference Schedule Inside 

Thursday, March 27

8:00 Registration

8:30 **Introduction**

Emerging Issues in Wyoming Water Law
Harriet M. Hageman, Esq., Program Co-Chair and
Kara Brighton, Esq., Program Co-Chair
 Hageman & Brighton, Cheyenne

8:45 **Featured Presentation**

Current Water Law Topics in Wyoming
Patrick T. Tyrell, P.E., Wyoming State Engineer
 Wyoming State Engineer's Office, Cheyenne

9:15 **The Platte River Cooperative Agreement**

Conditions Leading to the Need for the Program; Elements of the Program Necessary to Satisfy the ESA; Stakeholders and Principles; Emerging Issues
Dale Strickland, Ph.D., Vice President and Senior Ecologist
 Western EcoSystems Technology, Cheyenne

10:00 Morning Break

10:15 **The National Drought Preparedness Act**

Key Language; Developing a National Policy for Drought; The Focus on Mitigation and Preparedness
Shaun McGrath, Program Manager, Water Policy
 Western Governors' Association, Denver

11:00 **Implementation of the North Platte River Settlement Agreement**

The Parties' New Responsibilities Under the Modified Decree
Kara Brighton, Esq., Program Co-Chair

11:45 Q&A Panel

Members of the Faculty

12:00 Lunch Break

1:15 **Water Leasing Considerations—
A Panel Presentation**

Is It an Option in Wyoming?
Laurie D. Goodman, Director, Wyoming Water Project
 Trout Unlimited, Jackson
Gordon W. "Jeff" Fassett, P.E., President
 Fassett Consulting, Cheyenne
David F. Palmerlee, Esq.
 Palmerlee & Durrant, Buffalo

2:15 **Confined Animal Feeding Operations**

Implications Under the Clean Water Act
Dennis Hemmer, Director
 Wyoming Department of Environmental Quality, Cheyenne

3:00 Afternoon Break

3:15 **Water Quality Issues Associated
with Coal-Bed Methane Production**

What You Need to Know
Keith Burron, Esq.
 Associated Legal Group, Cheyenne

4:00 **Water and the ESA**

Experience from Around the West; Water for the Environment in Times of Drought
Reed D. Benson, Esq., Water Law Professor
 University of Wyoming College of Law, Laramie

4:45 **Legal and Policy Considerations Associated
with Water Conservation Measures**

Improving Irrigation Efficiencies; Landscaping Considerations for the Arid West; Municipal and Domestic Water Conservation Measures
Harriet M. Hageman, Esq., Program Co-Chair

5:15 Q&A Panel

Members of the Faculty

5:30 Adjourn to Private Meet-the-Faculty Reception

Friday, March 289:00 **Overview**

Review of Day One; Introduction to Day Two
Brian C. Shuck, Esq., Program Co-Chair
 Law Office of Brian C. Shuck, Cheyenne

9:15 **Water Use Management**

Developing Tools for the 21st Century
Jack D. Palma, II, Esq.
 Holland & Hart, Cheyenne

10:00 Morning Break

10:15 **Water Rights Litigation**

Using Experts; Hiring, Preparation and Presentation; Successful Strategies and Trial Techniques; Using Technology in Water Rights Cases
Rex E. Johnson, Esq.
 Sherard, Sherard & Johnson, Wheatland

10:45 **Climatology, Weather Modification
and Reservoir Construction—
A Panel Presentation**

Tools to Deal with Drought Conditions
**Jan Curtis, State Climatologist and Director,
Water Resources Data System**
 University of Wyoming, Laramie
Mike Besson, P.E., Director
 Wyoming Water Development Commission, Cheyenne
Kent Holsinger, Esq., Assistant Director for Water
 Colorado Department of Natural Resources, Denver

11:30 Q&A Panel

Members of the Faculty

11:45 Lunch Break

1:00 **The FERC Relicensing Process**

Does FERC Have Jurisdiction over the Project? Statutory Background; Balancing the Various Interests; The Settlement Process; Improving the Re-Licensing Process
Brian C. Shuck, Esq., Program Co-Chair

1:45 **Featured Presentation**

Wyoming Water – The Big Picture
Thomas J. Davidson, Esq.
 Wyoming Attorney General's Office, Cheyenne

2:30 **Federal Reserved Water Rights—
A Panel Presentation**

Tribal, Non-Tribal, Irrigator and State Perspectives; Historical Background; Big Horn 6 Decision; Appurtenancy Consent Decree; Delinquent Decision; New Storage Projects
Brian C. Shuck, Esq., Program Co-Chair
John Schumacher, Esq.
 Law Office of John Schumacher, Lander
Jay Vincent, Esq.
 Vincent and Vincent, Riverton

3:15 **Ethics**

Contacting State Administrators and Offices
John M. Burman, Esq., Professor of Law
 University of Wyoming College of Law, Laramie

4:15 Adjourn



Wyoming Water Law

meet your instructors

Harriet M. Hageman, Program Co-Chair, previously worked for the State of Wyoming on endangered species, National Forest management and water resources management matters. She has worked on the *Nebraska v. Wyoming* case and is a Board Member of the Wyoming Water Association.

Kara Brighton, Program Co-Chair, concentrates on water and natural resource issues, and she has worked for the State of Wyoming on issues related to *Nebraska v. Wyoming*. She currently represents the Wheatland Irrigation District, and she previously assisted with the North Platte litigation.

Brian C. Shuck, Program Co-Chair, formerly served as Senior Assistant Attorney General for the State of Wyoming and as counsel to the Wyoming State Engineer's Office. He has represented Wyoming on various issues involving FERC and as co-counsel on the Big Horn River General Stream Adjudication.

Patrick T. Tyrell, Featured Presenter, handles issues such as filing of water rights for industrial and municipal users, municipal and basin-wide water planning studies and studies related to instream flow matters. He is a past board member and President of the Wyoming Water Association.

Thomas J. Davidson, Featured Presenter, began practicing water law with the Attorney General's office in 1987. He has served as lead attorney in the Big Horn Adjudication and now runs both the Water Division and the Natural Resources Division.

Reed D. Benson teaches water law and other subjects. He spent nine years at WaterWatch of Oregon, a nonprofit group working on water resource issues.

Mike Besson serves as the Vice-Chairman for the Governance Committee of the Cooperative Agreement for Platte River Research, and he has been appointed to represent Wyoming on endangered species issues in the Platte River Basin.

John M. Burman is Of Counsel to Corthell and King. He teaches law courses in Professional Responsibility, and he previously served as Special Attorney and as Special Assistant Attorney General for the State of Minnesota.

Keith Burron emphasizes water, environmental and natural resources law. Previously, he was a Senior Assistant Attorney General for the State of Wyoming, representing the Department of Environmental Quality and the State Engineer's Office.

Jan Curtis has been in his position since 2001. He previously worked in Fairbanks, Alaska, as a climate researcher. He serves as Executive Secretary and Chairman of the Monitoring Subcommittee to the Governor's Drought Task Force.

Gordon W. "Jeff" Fassett opened his firm after his tenure as the second longest serving State Engineer in Wyoming's history. He was recently appointed by President George W. Bush as the federal representative and Chairman of the Red River Compact Commission.

Laurie D. Goodman focuses on enhancing stream flows for coldwater fisheries in Wyoming. She previously served as the Associate Administrator for the U.S. EPA's Office of Regional Operations and State and Local Relations.

Dennis Hemmer has been in his position since July, 1989. He previously served as Deputy Director of the Montana Department of Natural Resources and Conservation and as Commissioner of the Montana Department of State Lands.

Kent Holsinger comes from a ranching background and has also worked as a real estate broker, a law clerk for the U.S. Attorney's office, and in the offices of now-Chief U.S. District Judge Lewis T. Babcock, U.S. Senator Wayne Allard and Congressman Bob Schaffer.

Rex E. Johnson emphasizes water related issues. He is personally involved with a family-owned farm/ranch operation that depends heavily on both surface and groundwater.

Shaun McGrath has been with his Association since 1995. Previous to his current position, he was the Senior Legislative Assistant in the Western Governors' Association—Washington, D.C. Office.

Jack D. Palma, II, has over 25 years' experience in natural resources and environmental law. He previously served as Natural Resources Deputy Attorney General for the Wyoming Attorney General's office.

David F. Palmerlee emphasizes water and water resource law. He has assisted the North Fork Irrigation District in the creation of its two reservoirs and in the formation of the Crazy Woman Watershed Improvement District.

John Schumacher serves as Of Counsel for several law firms with a focus on Native American law. He has represented tribal interests in connection with the Big Horn Adjudication in Wyoming and in *Arizona v. California*.

Dale Strickland has over 24 years of experience in ecological research and wildlife management. He serves as the Executive Director of the Platte River Endangered Species Partnership.

Jay Vincent has represented Midvale Irrigation District in Phases I and III of the Big Horn River Adjudication.

CLE INTERNATIONAL Program Attorney:
Caroline R. Kert, kert@clic.com

seminar information

Continuing Education Credit

MCLE: This course has been approved for 13 hours of credit by the State of Wyoming, including one hour of legal ethics. For accreditation in other jurisdictions or disciplines, please call **CLE INTERNATIONAL** at (303) 377-6600.

Engineering: This course may qualify for up to 13 hours of engineering credit.

CLE INTERNATIONAL is an approved sponsor in all jurisdictions with mandatory continuing legal education requirements.

Registration

Advance registration is recommended, and you are encouraged to mail in your registration early. Or simply call in your registration or homestudy order to (800) 873-7130, fax the Registration/Order Form to (303) 321-6320, or E-mail your registration to registrar@clic.com. **Full payment is due at the time of registration.** Walk-in registrations will be subject to space availability. Please call **CLE INTERNATIONAL** at (303) 377-6600 if you require any special accommodations.

Conference Location and Accommodations

The Conference will be held at the Little America Hotel, 2800 West Lincolnway, Cheyenne, WY 82009. A block of rooms is being held at a special rate for conference attendees until February 26. For room reservations, please call Community World Travel at (303) 316-4833 or (888) 724-0500 (outside Colorado).

Tuition

The tuition fee of \$395 per person includes attendance at all sessions, course materials, continental breakfasts, and coffee breaks. Government employees may register at the special discount rate of \$495 per person. **CLE INTERNATIONAL** offers special rates for nonprofit organizations, full-time judges and law students.

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Cancellation Policy

Full tuition refunds (less a \$50 administrative charge) will be given only if notice of cancellation is received by 5:00 p.m. MST on the Friday before the Conference. Substitutions may be made at any time.

Course Materials

Each registrant will receive a set of materials prepared by the speakers specifically for this Conference that will serve as a valuable future reference. The course materials alone are available for \$95 plus \$10 shipping and handling.

Homestudy Package

CLE INTERNATIONAL also offers a complete audio cassette transcript of the Conference (including all course materials) for \$395 plus \$10 shipping and handling. This course qualifies for a maximum of 5 hours home-study credit in the State of Wyoming.

About the Sponsor

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Featured Presentations:



Wyoming Water – The Big Picture

Thomas J. Davidson, Esq.
 Wyoming Attorney
 General's Office



Current Water Law Topics in Wyoming

Patrick T. Tyrre, P.E.
 Wyoming State Engineer

