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# Wyoming Water Law

Keeping up with the Changing Landscape

April 26-27, 2007 • Hitching Post Inn Resort & Conference Center • Cheyenne

## \$100 Discount for Government Employees!

### Featuring Speakers From:

- Wyoming Rural Water Association
- University of Wyoming
- State Engineer's Office
- Fassett Consulting
- Wyoming Wool Growers Association

... and some of Wyoming's top water law practitioners!

Dear Colleague,

As today's political focus turns to climate change, property rights and renewable energy resources, water professionals must keep up with the ever-changing policy implications of this area of law.

From the protection of drinking water rights and the use of eminent domain in utility development to transbasin diversion proposals and coalbed methane extraction, water law continues to be a driving force in shaping Wyoming's future. Understanding today's water law environment is critical for anyone seeking to protect their interests or those of their clients.

We are proud to have assembled a faculty of top-notch experts for CLE International's 5th Annual Wyoming Water Law Conference. These leaders in water law will give you valuable insights, tools and strategies to help you deal with the complex issues you face throughout the year. Plus, no other water law event gives you the networking opportunities available at this Conference.

Whether you are a water professional in the legal, engineering, planning, development, supply or environmental community, you cannot afford to miss this Conference!

We hope to meet you there,



Kara Brighton, Esq.



Thomas J. Davidson, Esq.



Harriet M. Hageman, Esq.

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

**Thomas J. Davidson, Esq.**  
Program Co-Chair  
Dorsey & Whitney  
Denver

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



Visit our website at [cle.com](http://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.

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Conference Schedule and Speaker Biographies Inside

**Thursday, April 26**

- 8:30 Registration and Continental Breakfast
- 9:00 **Welcome and Introduction**  
Overview of Day One  
**Thomas J. Davidson, Esq., Program Co-Chair**  
*Dorsey & Whitney, Denver*
- 9:15 **Water Protection in Wyoming**  
State Enabling Statutes; Municipalities' Ability to Protect Drinking Water Rights to the Source; Jurisdictional Entities  
**Pepper McClenahan**  
**AICP, Source Water Protection Specialist**  
*Wyoming Rural Water Association, Casper*
- 10:00 Morning Break
- 10:15 **Coalbed Methane Extraction**  
Water Production Issues; Enlightening Facts You Won't Hear from the Critics  
**Keith S. Burron, Esq.**  
*Associated Legal Group, Cheyenne*  
Coalbed Natural Gas Produced Water Quality Across the Powder River Basin, Wyoming; Beneficial Uses  
**K.J. Reddy, Professor, Chair**  
*Water Resources Graduate Program, University of Wyoming, Laramie*
- 11:45 Q&A Panel  
*Members of the Faculty*
- 12:00 Lunch Break

**1:15 Featured Presentation**

Temporary Water Use Agreements and Instream Flows  
**Patrick T. Tyrrell, PE, State Engineer**  
*Wyoming State Engineer's Office, Cheyenne*

- 2:00 **Transbasin Diversions**  
Is the Proposal in Tune with the Needs of Wyoming?  
**Gordon W. Fassett, PE, President**  
*Fassett Consulting, Cheyenne*  
**Thomas J. Davidson, Esq., Program Co-Chair**
- 3:15 Afternoon Break
- 3:30 **Water Quality Update**  
Nonpoint Source Pollution; Watershed Planning in Wyoming in Lieu of TMDLs; Pole Mountain Case  
**Daniel B. Frank, Esq.**  
*Frank Law Office, Cheyenne*
- 4:15 **Ethics**  
Issues for the Environmental Arena  
**Corinne E. Rutledge, Esq.**  
*Lathrop & Rutledge, Cheyenne*
- 5:15 Q&A Panel  
*Members of the Faculty*
- 5:30 Adjourn to Private Networking Reception

**Friday, April 27**

- 8:30 Continental Breakfast
- 9:00 **Welcome Back**  
Overview of Day Two  
**Kara Brighton, Esq., Program Co-Chair, and Harriet M. Hageman, Esq., Program Co-Chair**  
*Hageman & Brighton, Cheyenne*
- 9:15 **History of Wyoming Water Law**  
Putting It in Perspective  
**Rex E. Johnson, Esq.**  
*Sherard, Sherard & Johnson, Wheatland*
- 10:00 Morning Break
- 10:15 **Update on Federal and State Environmental Law**  
Wyoming Water Law Issues  
**Harriet M. Hageman, Esq., Program Co-Chair**
- 11:00 **Regulation of Groundwater Development**  
Incorporating Regulation of Groundwater Development into Historic Priority Administration  
**Kara Brighton, Esq., Program Co-Chair**
- 11:45 Q&A Panel  
*Members of the Faculty*
- 12:00 Lunch Break
- 1:15 **Water Rights for Real Estate Development**  
Title Research in the State Engineer's Office; Prior Appropriation Doctrine; Proof of Abandonability; Original, Supplemental, Secondary Supplies; Surplus and Excess Water Supplies; History of Petitions  
**John Barnes, PE, Surface Water Administrator, and Phillip A. Velez, Surface Water Supervisor**  
*Wyoming State Engineer's Office, Cheyenne*
- 2:45 Afternoon Break
- 3:00 **Eminent Domain and Water Law**  
Energy Development in Wyoming; Effects of Kelo  
**Bryce R. Reece, Executive Director**  
*Wyoming Wool Growers Association, Casper*  
**Michael D. Smith, Esq.**  
*Holland & Hart, Cheyenne*  
**John Sundahl, Esq.**  
*Sundahl, Powers, Kapp & Martin, Cheyenne*
- 4:15 Q&A Panel  
*Members of the Faculty*
- 4:30 Evaluations and Adjourn

**Join Us After the Conference on Saturday for a Cheyenne Symphony Orchestra Special Event**  
Musical Revolutionaries • April 28 • Cheyenne Civic Center

In music, as in world events, certain individuals are so bold and unique that their achievements set a new course for all who follow them. This tribute to "Musical Revolutionaries" brings a great Cheyenne Symphony Orchestra season to a resounding conclusion. You'll want to attend to experience and celebrate the works of Wagner, Strauss, Stravinsky and Beethoven!

Conference attendees may purchase tickets directly from the Cheyenne Symphony office at (307) 778-8561. Mention CLE International for **25% off your ticket price** (normally \$25-35.50)!



# meet your instructors

## Program Co-Chairs

**Kara Brighton** concentrates her practice on water and natural resources issues and co-founded her firm in order to bring services to ranchers and other Wyoming water users. She has worked for the State of Wyoming on issues related to *Nebraska v. Wyoming*.

**Thomas J. Davidson** has extensive experience as a litigator in both state and federal environmental law issues affecting Wyoming and the Rocky Mountain states. He has served as lead counsel in *Nebraska v. Wyoming* and the Bighorn River Adjudication. Prior to joining his firm, he served as Deputy Attorney General for Wyoming's Division of Water and Natural Resources.

**Harriet M. Hageman** focuses on water and natural resources issues. She has experience working for the State of Wyoming on endangered species issues, National Forest management matters and water resources management. She has worked on the *Nebraska v. Wyoming* case, and she has represented the Wyoming Stock Grower's Association, the Wyoming Wool Growers Association and several timber companies. She is a member of the Board of Directors for the Wyoming Water Association.

## Featured Presenter

**Patrick T. Tyrrell** is a Wyoming native who has acted as the State Engineer since 2001. He serves as Wyoming's Commissioner to the Upper Colorado River, Bear River and Yellowstone River Compact Commissions. He also serves on the North Platte Decree Committee, the Colorado River Basin Salinity Control Forum and the Western States Water Council.

**John Barnes** has worked as a consulting engineer, water master and engineer for two large irrigation districts, and as a city engineer for the City of Powell. He is a certified mediator with the Wyoming Agricultural and Natural Resources Mediation Board.

**Keith S. Burrton** practices water rights, water quality and natural resources law. Prior to joining his firm in 1996, he was a Senior Assistant Attorney General with the Wyoming Attorney General's Office, representing the Department of Environmental Quality and the State Engineer's Office.

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

**Daniel B. Frank** emphasizes agriculture and land use law, ESA and Clean Water Act compliance and litigation, private property rights and other real estate matters. He has been involved in agricultural pursuits throughout his life.

**Rex E. Johnson** concentrates in water law, corporate law and general litigation. His primary clients are involved in electricity generation, coal transportation and coal mining. His perspective is unique because he is personally involved in a family-owned farm and ranching operation that depends heavily on both surface and groundwater.

**Pepper McClenahan** works with cities, towns and various local, state and federal agencies to protect drinking water throughout Wyoming. She is a certified land use planner and has implemented short and long range planning efforts in Natrona County, the City of Casper and the City of Greenville, Texas.

**K.J. Reddy** has developed and taught several water quality courses, and he established a nationally and internationally recognized water quality research program. His research program features both basic and applied aspects of natural resource and environmental quality and water quality issues.

**Bryce R. Reece** has been in his position since 1993. He previously managed the Wyoming Lamb Marketing Project, and he was instrumental in the formation of the Mountain States Lamb Cooperative.

**Corinne E. Rutledge** focuses on professional liability defense, personal injury claims, commercial and employment disputes and insurance litigation. She is a previous President of the Laramie County Bar Association.

**Michael D. Smith** focuses on complex civil litigation and disputes involving the oil and gas industry. He also helps coordinate efforts between the hundreds of defendants in MDL-consolidated gas measurement cases.

**John Sundahl** specializes in complex litigation, including issues related to public utilities, environmental law, oil and gas, land disputes and railroads. He is one of the few attorneys in Wyoming who has been involved in litigating condemnation and eminent domain matters.

**Phillip A. Velez** developed a series of public education courses to educate the public on the use of the records system at his office. He is currently working with the Surface Water Division to rewrite its rules, and he is responsible for writing many of the State Engineer's policies that are still followed today in the mining industry.

# conference information

## Continuing Education Credit

**MCLE:** This course has been approved for 12 hours of MCLE credit by the State of Wyoming, including one hour of legal ethics.

**Engineering:** This course meets the requirements for 12 hours of engineering credit.

**Real Estate:** This course meets the requirements for 12 hours of Real Estate credit.

**CLE INTERNATIONAL** is an approved sponsor in all jurisdictions with mandatory continuing legal education requirements. For accreditation in other jurisdictions or disciplines, please contact **CLE INTERNATIONAL** at (800) 873-7130.

## Registration

Advance registration is recommended, and you are encouraged to mail in your registration early. Or simply call in your registration or home study order to (800) 873-7130, fax the Registration/Order Form to (303) 321-6320, email your registration to registrar@cle.com or register online at [www.cle.com](http://www.cle.com). Full payment is due at time of registration. Walk-in registrations will be subject to space availability. Please call **CLE INTERNATIONAL** at (800) 873-7130 if you require any special accommodations.

## Sponsorship Information

Sponsorships and exhibition opportunities are still available. For more information, please contact Shauna Kraczek at (800)873-7130 or [shauna@cle.com](mailto:shauna@cle.com).

## Hitching Post Inn Resort & Conference Center

1700 W. Lincoln Way  
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## Tuition—Same Price as Last Year! \$595

The tuition fee of \$595 per person (\$495 for government employees, 501(c)(3) organizations, full-time judges, law students and paralegals) includes attendance at all sessions, course materials, continental breakfasts, coffee breaks and the private reception. Symphony tickets must be purchased separately.

## Save When Two or More Register

Save \$200 or more with our multiple registrant discount! For two or more registering from the same firm, the tuition is only \$495 per person (\$395 each for two or more government employees, 501(c)(3) organizations, full-time judges, law students and paralegals).

**CLE International Program Attorney:**  
Caroline R. Kert, [caroline@cle.com](mailto:caroline@cle.com).

## Course Materials

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

## Home Study

If you cannot attend, **CLE INTERNATIONAL** also offers a complete audio transcript of the Conference (including all course materials) for \$595 plus \$10 shipping and handling. This course may qualify for self study credit.

## Cancellation

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 preceding the Conference. Substitutions may be made at any time.

## About CLE International

**CLE INTERNATIONAL**, a leading provider of continuing professional education, has been presenting high-quality professional education programs nationwide since 1983.



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Understanding Key Developments and Issues

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**Featured Presentation**

**Temporary Water Use Agreements  
and Instream Flows**

**Patrick T. Tyrrell, PE**  
Wyoming State Engineer



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