



The Seventh Annual Comprehensive Conference on
Tribal Water in the Southwest

*Major new developments for Tribal water rights: policy, regulations,
settlement processes, infrastructure, and delivery challenges*

June 4 & 5, 2020 | Via Zoom

Agenda – Day 1

8:30 Registration Opens

9:00 Introduction & Overview

John B. Weldon, Jr., Esq., *Program Co-Chair*
Salmon Lewis & Weldon ~ Phoenix, AZ

John C. Bezdek, Esq., *Program Co-Chair*
Water Power Law Group ~ Washington, DC

9:15 **Physically Available Water from Nature: How Much will the Region have to Work With?**

Climatological forecasts for near and long term water supplies

Nancy J. Selover, Ph.D., *State Climatologist*
State of Arizona ~ Tempe, AZ

10:00 **Special Address: A Big Picture View of Water Challenges and Development of Solutions
in the Lower Colorado River Basin**

How the pieces fit together, and the approaches being pursued for reaching consensus on solutions

Charles Podolak, Ph.D., *Natural Resources Policy Advisor*
Office of Governor Doug Ducey ~ Phoenix, AZ

10:30 Break

10:45 **Current Water Management Issues in the Colorado River Basin and the Need to
Negotiate New Operating Criteria by 2026**

Perspectives on the current Drought Contingency Plan (DCP), and the issues that will need to be addressed
in negotiations over management of Lake Powell and Lake Meade, and how the region can better address
shortages arising from droughts

Jason Travis Hauter, Esq., *Moderator*
Akin Gump Strauss Hauer & Feld ~ Washington, DC

Nicole Klobas, Esq., *Deputy Chief Counsel*
Arizona Department of Water Resources ~ Phoenix, AZ

Lawrence Marquez,
Native American Affairs Office Manager
U.S. Bureau of Reclamation ~ Glendale, AZ

Darryl Vigil, *Water Administrator*
Jicarilla Apache Nation ~ Dulce, NM

12:15 Lunch (on your own)

1:30 Tribal Water Rights Settlements

National update: Overview of pending Tribal/state water settlements

Pamela S. Williams, Esq.,
Director, Indian Water Rights Office
U.S. Department of the Interior ~ Phoenix, AZ

Update on the pending Hopi and Navajo settlements; tips for dealing with situations where DOJ is not on board

Ryan A. Smith, Esq.
Brownstein Hyatt Farber Schreck ~ Washington, DC

What next for Tribal water settlements?

Gary Gold, Esq., Policy Advisor
U.S. Senator Kyrsten Sinema ~ Phoenix, AZ

3:00 Break

3:15 Implementation of Water Settlements

Overview: Anticipating enforceability, construction project management issues; appropriate uses for federal funds; development of effective implementation plans

Katie Brossy, Esq.
Akin Gump Strauss Hauer & Feld ~ Washington, DC

Case study of the Gila River Indian Community Water Rights Settlement: Dealing with the risk that subsequent legislative activity will undermine the settlement agreement

Casaundra Wallace, Esq., Assistant General Counsel
Gila River Indian Community ~ Sacaton, AZ

Case study of the Aamodt Settlement Agreement for the four pueblos in the Nambe-Pojoaque-Tesuque basin: Options for dealing with situations where funding is not sufficient to complete projects contemplated by a settlement agreement

Ann Berkley Rodgers, Esq.
Chestnut Law Offices ~ Albuquerque, NM

5:00 Adjourn Day 1

Agenda – Day 2

9:00 National Tribal Water Litigation Update

Overview of state and federal cases impacting Tribal water

Heather Whiteman Runs Him, Esq.,
Director, Tribal Justice Clinic
James E. Rogers College of Law ~ Tucson, AZ

9:45 The What-Next After Litigation Concludes

Case study of implementation challenges following the Agua Caliente Decision and tips for addressing unresolved issues

Catherine F. Munson, Esq.
Kilpatrick Townsend & Stockton ~ Washington, DC

10:30 Break

10:45 Quantification of Unquantified Senior Rights: Tribal Participation in State Water Rights Adjudication Processes

Why putting on a good adjudication case is important and tips for assembling the evidence you need to effectively pursue your case

Judith M. Dworkin, Esq.
Sacks Tierney ~ Scottsdale, AZ
Joe Ely, Director of Indian Project Development

12:00 Lunch (on your own)

1:15 **Effective Water Management Strategies**

Augmentation of water supplies: Technological, economic, legal, water quality, and other considerations when weighing water supply augmentation opportunities

Sharon B. Megdal, Ph.D.,
Director, Water Resources Research Center
University of Arizona ~ Tucson, AZ

Achieving and maintaining water quality in the absence of federal trust responsibility for addressing contamination: Tips for establishing and pursuing claims against potentially responsible parties

Ian A. Shavitz, Esq.
Lippes Mathias Wexler Friedman ~ Washington, DC

2:30 Break

2:45 **Effective Water Management Strategies**

Marketing surplus Tribal water: Update on current water markets and a case study of the program being put together by Colorado River Tribes

Audrey Arnao, Research Analyst
WestWater Research LLC ~ Phoenix, AZ

Margaret J. Vick, Ph.D., Esq.
Margaret J. Vick, PLC ~ Tempe, AZ

4:00 Evaluations and Adjourn

Who Should Attend

Attorneys, Tribal, local, state and federal governmental representatives, environmental professionals, industry executives, water users and their representatives

About the Conference

Water scarcity remains a major concern in the Southwest and climatological forecasts for both near and long-term water supplies show that it is a very legitimate concern. Tribal water rights and Tribal sovereignty will remain an important consideration for water planning and resource allocation throughout the Region. Many Tribes are still seeking to settle their water rights claims and the ones with settlements face implementation challenges.

This year we again offer comprehensive coverage of the most critical Tribal water issues in the Southwest. This includes a Special Address by Charles Podolak, the Natural Resources Policy Advisor to Arizona Governor Doug Ducey. In addition to the challenges, there are new opportunities for Tribes, including use of reclaimed water to augment supplies, and participation in water markets for Tribes with water beyond that required for meeting immediate Tribal needs.

Adding to the inherent complexity of Tribal water rights issues are current political considerations and the need to reconcile federal environmental law with Tribal and private water use. This Conference will present a comprehensive and timely overview of the legal and practical issues impacting Tribal water. We hope you'll be able to join us for what promises to be a lively and informative discussion.

~ John C. Bezdek, Esq. of Water Power Law Group and
John B. Weldon, Jr., Esq. of Salmon Lewis & Weldon, Program Co-Chairs

Registration & Other Conference Information

Tuition: Regular tuition for this program is \$895 with a group rate of \$805 each for two or more registrants from the same firm. For Tribal members and government employees, we offer a special rate of \$670. For students, people in their job for less than a year, and public interest NGO's, our rate is \$447.50. All rates include admission to all program sessions and course materials. Make checks payable to Law Seminars International.

Financial aid is available to those who qualify. Contact our office for more information.

Substitution & Cancellation: You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Friday, May 29, 2020. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

Continuing Education Credit: This program qualifies for 11.25 Arizona MCLE credits and 11.25 ABCEP environmental professional credits. Upon request, we will help you apply for CLE credits in other states and other types of credits.

Time Shift Your Content: Audio podcasts and video replays, with course materials, are available for download or on a flash drive at the same price as live attendance. The course materials alone are available for \$100. Replays will be available within five business days after the program or from the date we receive payment.

Faculty

John C. Bezdek, *Program Co-Chair*, is a shareholder at Water Power Law Group. He focuses on the areas of water resources, Tribal water rights, habitat restoration, and endangered species compliance.

John B. Weldon, Jr., *Program Co-Chair*, is a founding member of Salmon Lewis & Weldon. He focuses on water rights, environmental, and natural resource related matters.

Jason Travis Hauter, *Moderator*, is a partner at Akin Gump Strauss Hauer & Feld. He previously served as in-house counsel for the Gila River Indian Community.

Audrey Arnao is a Research Analyst focusing on California water markets for WestWater Research. She tracks water rights transactions to identify market trends.

Katie Brossy is Senior Counsel at Akin Gump Strauss Hauer & Feld. She has worked on a number of highly significant Tribal issues, including one of the largest Indian water rights settlements in U.S. history.

Judith M. Dworkin is the managing shareholder at Sacks Tierney. She also leads the firm's Indian Law and Tribal Relations practice group.

Joe Ely is Director of Indian Project Development at Stetson Engineers. He is a former Tribal chairman of the Pyramid Lake Paiute Tribe and was instrumental in settling its 80-year-old water rights struggle.

Gary Gold is U.S. Senator Kyrsten Sinema's Policy Advisor for natural resources. He has been Water Resources Engineer at a large utility and a Research Fellow at the National Science Foundation.

Nicole Klobas is Deputy Chief Counsel for the Arizona Department of Water Resources.

Lawrence Marquez is the Native American Affairs Office Manager for the U.S. Bureau of Reclamation's Phoenix Area Office.

Sharon B. Megdal, Ph.D., is Director, Water Resources Research Center at the University of Arizona.

Catherine F. Munson is a partner at Kilpatrick Townsend & Stockton and co-leader of the Native American Affairs practice.

Chuck Podolak is the Natural Resources Policy Advisor for Arizona Governor Doug Ducey. Earlier he served as Director of Water Rights and Contracts at the Salt River Project.

Ann Berkley Rodgers is a senior attorney at Chestnut Law Offices. She previously was a Research Professor focusing on water law at the University of New Mexico School of Law.

Nancy J. Selover, Ph.D., is the State Climatologist for the State of Arizona.

Ian A. Shavitz is the Team Leader of the Environment and Energy Practice Team at Lippes Mathias Wexler Friedman.

Ryan A. Smith is Chair of the Natural Resources Department and American Indian Law and Policy Group at Brownstein Hyatt Farber Schreck.

Margaret J. Vick, Ph.D., Margaret J. Vick, PLC, serves as Special Counsel for Water Resources for Colorado River Indian Tribes and Special Counsel for the Havasupai Tribe.

Darryl Vigil is the Water Administrator for the Jicarilla Apache Nation. He also serves as Co-Director of Water & Tribes in the Colorado River Basin and past Chairman of the Colorado River Ten Tribes Partnership.

Casaundra Wallace is Assistant General Counsel for the Gila River Indian Community.

Heather Whiteman Runs Him is Associate Clinical Professor and Director of the Tribal Justice Clinic at the University of Arizona James E. Rogers College of Law. She previously served as a staff attorney for NARF.

Pamela S. Williams is Director of the Indian Water Rights Office for the U.S. Department of the Interior. Her duties include coordinating Indian water right settlement issues among the Department's agencies.

