



LAW SEMINARS INTERNATIONAL

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The 5th Annual Seminar on Current Issues Involving the Use of **Hydrology in Water Law Proceedings**

*New developments and strategies for effective use of scientific proof
in water disputes*

August 19, 2020 | Via Interactive Zoom Broadcast

Agenda

8:30 Registration Opens

9:00 Introduction & Overview

Martha C. Franks, Esq., *Program Co-Chair*
Abramowitz Franks & Olsen ~ Fort Collins, CO

Jay F. Stein, Esq., *Program Co-Chair*
Stein & Brockmann ~ Santa Fe, NM

9:15 **What is Produced Water? Who Regulates It?**

Update on the science, technical, and regulatory issues for treatment of Produced Water; progress towards a structure for filling knowledge gaps; current effectiveness and best practices for treatment techniques to avoid freshwater contamination

Cristina Mulcahy, Esq.

Stein & Brockmann ~ Santa Fe, NM

Ryan C. Flynn, Esq., *Executive Director*
New Mexico Oil & Gas Association ~ Santa Fe, NM

Mike Hightower, *Program Director*
New Mexico Produced Water Research Consortium
Albuquerque, NM

10:45 Break

11:00 **Use-It-or-Lose-It Under Pressure from Climate Change: Is Drought a Defense to Abandonment?**

In light of the prospects for a period of long-term scarcity, how will the state view a sustained period of lower use?

Kelly Brooks Smith, Esq., *Managing Attorney –*
Northern New Mexico Water Rights Adjudications
Office of the State Engineer ~ Santa Fe, NM

Tips for defending an abandonment case

Jay F. Stein, Esq., *Program Co-Chair*

Abandonment as a state law concept that doesn't apply to Tribes: Tips for cases where Tribal Reserved Rights are involved

Stanley M. Pollack, Esq., *Contract Attorney*
Navajo Nation Department of Justice

12:15 Lunch (on your own)

1:30 Administrative and Hydrologic Issues on the Lower and Middle Rio Grande

How the lower and middle Rio Grande hydrologically interact

Peggy Barroll, Ph.D., *Consultant to the*
Office of the State Engineer ~ Santa Fe, NM

Current administrative issues and solutions

John M. Stomp, III, PE, *Chief Operating Officer*
Albuquerque Bernalillo County Water Utility Authority
Albuquerque, NM

Lee Wilson, Ph.D., *President*
Lee Wilson & Associates Inc ~ Santa Fe, NM

3:15 Break

3:30 Legal Issues on the Lower and Middle Rio Grande

Issues arising from the tension between administrative structure and hydrologic realities; perspectives on the best outcomes to pursue

James C. Brockmann, Esq., *Moderator*
Stein & Brockmann ~ Santa Fe, NM

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Rick Allen, Esq., *Acting Deputy General Counsel*
Office of the State Engineer ~ Santa Fe, NM

Middle Valley Acequia issues

John W. Utton, Esq.
Utton & Kery ~ Albuquerque, NM

Complying with Article IV; native water vs. imported water

Mike A. Hamman, P.E.,
Chief Executive Officer/Chief Engineer
Middle Rio Grande Conservancy District
Albuquerque, NM

5:00 Evaluations and Adjourn

Who Will Benefit from the Program

Attorneys, water and environmental professionals, land use planners, agency and Tribal representatives, property owners, and anyone else involved with water issues in New Mexico

How You Will Benefit from Attending

This intensive one-day seminar is designed for legal and technical water practitioners, land use planners, and other environmental professionals. This year's focus is on emerging trends in the interrelated fields of law and hydrology, including a timely discussion of "produced water" and developments in the law of abandonment of water rights as climate change changes precipitation patterns.

The afternoon will focus on administrative and legal issues in the Lower and Middle Rio Grande. You'll hear expert insights into ways to resolve the tensions between administration under the current legal structure and hydrologic realities with the goal of reaching workable solutions.

We hope to see you there. It will be an interactive discussion, so please come with not just your questions, but also your opinions!

Registration & Other Conference Information

Tuition: Regular tuition for this program is \$695 with a group rate of \$625 each for two or more registrants from the same firm. For government employees and Tribal Members, we offer a special rate of \$520. For students, people in their job for less than a year, and public interest NGO's, our rate is \$347.50. All rates include admission to all program sessions, food and beverages at breaks, 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 Thursday, August 13, 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: Live credits: This program qualifies for ^6.0 MN MCLE and 6.0 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 and video replay files, with course materials, are available for download or on a flash drive at the same price as live attendance. Files are available for downloading five business days after the program or from the date we receive payment. Flashdrive orders are sent via First Class mail within seven business days after the program or from the date we receive payment. The course materials alone are available for \$75.

Faculty

Martha C. Franks, Program Co-Chair, is a principal at Abramowitz Franks & Olsen. She is a previous Solicitor for the Department of the Interior, representing the Bureau of Reclamation and the Bureau of Land Management. She has served as lead counsel in numerous state water rights adjudications, emphasizing those involving the adjudication of Pueblo and Native-American claims to water.

Jay F. Stein, Program Co-Chair, Stein & Brockmann, is a board-certified water law specialist whose practice focuses on water law and related areas of water quality and utility law. Prior to co-founding Stein & Brockmann, he served as counsel to the New Mexico State Engineer and Interstate Stream Commission.

James C. Brockmann, *Moderator*, Stein & Brockmann, is a board-certified water law specialist. His practice involves the planning, declaration, buying/selling, acquisition/transfer and leasing of water rights; new appropriations; and water development and conservation plans. This includes representation in the adjudication of rights to the Rio Hondo River system and in determining water rights to the Big Horn River system.

Rick Allen is the Acting Deputy General Counsel for the Office of the State Engineer's Litigation and Adjudication Program. His water rights work has included managing the Lower Rio Grande Adjudication Bureau.

Peggy Barroll, Ph.D., is a hydrologist and serves as a Consultant to the Office of the State Engineer. She retired from the New Mexico State Engineer's office in 2017, and currently consults with the State of New Mexico on water resource related issues.

Ryan C. Flynn is Executive Director of the New Mexico Oil & Gas Association. Prior to joining NMOGA, he previously served as the Secretary of Environment and the Natural Resources Trustee for the State of New Mexico. As Environment Secretary, Flynn brokered several key agreements with federal and state agencies, including a successful agreement with the United States Air Force to remediate groundwater contamination at Kirtland Air Force Base.

Mike A. Hamman is Chief Executive Officer and Chief Engineer at the Middle Rio Grande Conservancy District (MRGCD). Prior to the MRGCD he was the Area Manager for the U.S. Bureau of Reclamation.

Mike Hightower is Program Director for the New Mexico Produced Water Research Consortium and a Research Professor at the University of New Mexico in the Center for Water and the Environment. He also serves as a technical consultant to Sandia National Laboratories in the areas of water treatment, desalination, and energy and infrastructure resiliency research.

Cristina Mulcahy, Stein & Brockmann, focuses on environmental, oil and gas, and water law.

Stanley M. Pollack is a Contract Attorney for the Navajo Nation Department of Justice. He formerly served as Assistant Attorney General in the Water Rights Unit for the Navajo Nation Department of Justice. His focus continues to be on water resources, including general stream adjudications.

Kelly Brooks Smith is the Managing Attorney for the Northern New Mexico Water Rights Adjudications at the Office of the State Engineer.

John M. Stomp, III, PE, is the Chief Operating Officer for the Albuquerque Bernalillo County Water Utility Authority. He formerly served as the Water Resources Manager for the City of Albuquerque

John W. Utton, Utton & Kery, is certified by the New Mexico Board of Legal Specialization as a Specialist in Natural Resources - Water Law. For the last 20 years he has represented New Mexico State University in the adjudication of the Lower Rio Grande.

Lee Wilson is the President of Lee Wilson & Associates Inc. His water resource projects include water supply master planning for municipalities and water authorities, evaluation of water quality impacts and clean-up programs, assessment of wastewater management alternatives, and evaluation of flood hazards.