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# UTAH WATER LAW

**Change Applications, New Regulations and More!**

October 21-22, 2010 • Marriott Downtown • Salt Lake City



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### Dear Colleague:

You need to be able to navigate the issues and chart a successful course for your projects whether you practice in the water resources field every day or every now and then.

Join us for CLE International's 18th Annual Conference, and you'll get the inside information you need to understand the evolving issues for water users in Utah. You'll hear from experts in the field on topics such as:

- Water Rights and Water Quality Updates
- Due Diligence and Water Rights
- Evaluating and Quantifying Water Rights in Change Application and Other Administrative Water Right Proceedings
- Update on the Snake Valley Groundwater Agreement
- Recreational Access in State Waters on Private Land
- How Do the Public Trust Doctrine and Public Interest Apply to Utah Water Right Applications?
- The Top Water Quality Issues of 2010
- Clean Water Act § 404 Permitting and Application Issues
- The Latest Developments in NEPA and What They Mean for Water Law
- The Revised Spill Prevention, Control, and Countermeasure Regulations
- Aerial Deposition and Clean Water Act Permitting
- Evaluating Groundwater Quality Data

You will also gain practical insights, tips, and strategies to help you deal with the complex issues you face throughout the year. Plus, you'll get two days to join your colleagues for great networking opportunities.

We look forward to seeing you in October!

Sincerely,



**H. Michael Keller, Esq.**  
**Program Co-Chair**

VanCott, Bagley, Cornwall & McCarthy  
Salt Lake City



**John H. Mabey Jr., Esq.**  
**Program Co-Chair**

Mabey Wright & James  
Salt Lake City

Schedule and Information Inside 

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# CONFERENCE SCHEDULE

THURSDAY, OCTOBER 21

FRIDAY, OCTOBER 22

8:00	Registration and Continental Breakfast
8:30	<p><b>Welcome and Introduction</b> Overview of Day One</p> <p><b>John H. Mabey Jr., Esq., Program Co-Chair</b> Mabey Wright &amp; James, Salt Lake City</p>
8:45	<p><b>Water Rights Update</b> Latest Case Law, Regulatory and Legislative Developments</p> <p><b>Rosemary J. Beless, Esq.</b> Fabian &amp; Clendenin, Salt Lake City</p>
9:30	<p><b>Due Diligence and Water Rights</b> What is Necessary When Reviewing for Sale, Purchase or Other Purposes</p> <p><b>Jim Riley, PE, Manager</b> Jim Riley Engineering, Layton</p>
10:15	Morning Break
10:30	<p><b>Evaluating and Quantifying Water Rights in Change Application and Other Administrative Water Right Proceedings</b> Three Perspectives and a Panel Discussion</p> <p><b>Jodi Hoffman, Esq.</b> Hoffman Law, Park City</p> <p><b>Matthew E. Jensen, Esq.</b> Smith Hartvigsen, Salt Lake City</p> <p><b>Kent L. Jones, PE, State Engineer</b> <b>Director, Utah Division of Water Rights</b> Utah Department of Natural Resources, Salt Lake City</p>
12:00	Lunch Break
1:15	<p><b>Keynote Presentation</b> Update on the Snake Valley Groundwater Agreement</p> <p><b>Michael R. Styler, Director</b> Utah Department of Natural Resources, Salt Lake City</p>
2:00	<p><b>Recreational Access in State Waters on Private Land</b> An Overview</p> <p><b>Martin Bushman, Esq., Assistant Attorney General</b> Utah Attorney General's Office, Salt Lake City</p>
2:45	Afternoon Break
3:00	<p><b>How Do the Public Trust Doctrine and Public Interest Apply to Utah Water Right Applications?</b> A Relevant Discussion</p> <p><b>Steven E. Clyde, Esq.</b> Clyde Snow &amp; Sessions, Salt Lake City</p>
3:45	<p><b>Ethics</b> What Do Ethics Have To Do With Water Law?</p> <p><b>John A. Snow, Esq.</b> VanCott, Bagley, Cornwall &amp; McCarthy, Salt Lake City</p>
4:45	Adjourn

8:00	Continental Breakfast
8:30	<p><b>Welcome Back</b> Overview of Day Two</p> <p><b>H. Michael Keller, Esq., Program Co-Chair</b> VanCott, Bagley, Cornwall &amp; McCarthy, Salt Lake City</p>
8:45	<p><b>Water Quality Update</b> Case Law, Legislative and Regulatory Developments</p> <p><b>H. Michael Keller, Esq., Program Co-Chair</b></p>
9:30	Morning Break
9:45	<p><b>From the Division of Water Quality</b> The Top Water Quality Issues of 2010</p> <p><b>Walter L. Baker, Director</b> Utah Division of Water Quality, Salt Lake City</p>
10:30	<p><b>Clean Water Act § 404 Permitting and Application Issues</b> A "How-To" on Getting It Right the First Time</p> <p><b>Jason Gipson, Chief, Utah Regulatory Office</b> U.S. Army Corps of Engineers, Bountiful</p>
11:15	<p><b>Q&amp;A Panel</b> Members of the Faculty</p>
11:30	Lunch Break
12:45	<p><b>What's New with NEPA</b> The Latest Developments and What They Mean for Water Law</p> <p><b>Denise A. Dragoo, Esq.</b> Snell &amp; Wilmer, Salt Lake City</p>
1:30	<p><b>The Revised Spill Prevention, Control, and Countermeasure Regulations</b> Creating a Winning SPCC Plan</p> <p><b>W. Wynn John, PE, PG, Senior Project Manager</b> IHI Environmental, Salt Lake City</p>
2:15	Afternoon Break
2:30	<p><b>Aerial Deposition and Clean Water Act Permitting</b> Water Permitting Related to Airborne Pollutants</p> <p><b>Lisa A. Kirschner, Esq.</b> Parsons Behle &amp; Latimer, Salt Lake City</p>
3:15	<p><b>Evaluating Groundwater Quality Data</b> Is Your Data Good?</p> <p><b>Kent R. Wheeler, Senior Environmental Scientist</b> IHI Environmental, Salt Lake City</p>
4:00	<p><b>Q&amp;A Panel</b> Members of Faculty</p>
4:15	Evaluations and Adjourn

# MEET YOUR DISTINGUISHED FACULTY

## PROGRAM CO-CHAIRS

**H. Michael Keller** chairs his firm's Natural Resources, Energy and Environmental Law Practice Group. He practices environmental and natural resources law with an emphasis on environmental compliance, permitting, and enforcement matters for industrial and natural resource companies, real estate developers, landowners and other clients.

**John H. Mabey Jr.** specializes in Utah water law and water rights, representing cities and other public water suppliers, irrigation companies, mining and industrial companies, and various business and development interests. He previously served as a Utah Assistant Attorney General, as counsel to the Utah State Engineer and the Utah Division of Water Rights.

## KEYNOTE PRESENTER

**Michael R. Styler** is a member of the governor's Cabinet and is administrative leader of a state agency with seven divisions, more than 1,200 employees, and a budget of approximately \$83 million. Director Styler also manages the department's administrative office including the Natural Resources Policy Group and is responsible for coordination and cooperation among the department's divisions and offices.

## FACULTY

**Walter L. Baker, Director**  
Utah Division of Water Quality, Salt Lake City

**Rosemary J. Beless, Esq.**  
Fabian & Clendenin, Salt Lake City

**Martin Bushman, Esq.**  
**Assistant Attorney General**  
Utah Attorney General's Office, Salt Lake City

**Steven E. Clyde, Esq.**  
Clyde Snow & Sessions, Salt Lake City

**Denise A. Dragoo, Esq.**  
Snell & Wilmer, Salt Lake City

**Jason Gipson, Chief, Utah Regulatory Office**  
U.S. Army Corps of Engineers, Bountiful

**Jodi Hoffman, Esq.**  
Hoffman Law, Park City

**Matthew E. Jensen, Esq.**  
Smith Hartvigsen, Salt Lake City

**W. Wynn John, PE, PG**  
**Senior Project Manager**  
IHI Environmental, Salt Lake City

**Kent L. Jones, PE, State Engineer**  
**Director, Utah Division of Water Rights**  
Utah Department of Natural Resources  
Salt Lake City

**Lisa A. Kirschner, Esq.**  
Parsons Behle & Latimer, Salt Lake City

**Jim Riley, PE, Manager**  
Jim Riley Engineering, Layton

**John A. Snow, Esq.**  
VanCott, Bagley, Cornwall & McCarthy  
Salt Lake City

**Kent R. Wheeler**  
**Senior Environmental Scientist**  
IHI Environmental, Salt Lake City

**CLE INTERNATIONAL**  
**Program Attorney:**  
**Laura Terlisner Mehew, laura@cle.com**

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## 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 prior to the Conference. Substitutions may be made at any time.

## Tuition

- \$695 per person
- \$595 each for two or more
- \$595 each for government, 501(c)(3) organizations, full-time judges, law students and paralegals
- \$495 each for two or more government, 501(c)(3) organizations, full-time judges, law students and paralegals

## Home Study

- Audio transcript and course materials
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## Keynote Presentation

**Update on the Snake Valley Groundwater Agreement**



**Michael R. Styler, Director**

Utah Department of Natural Resources, Salt Lake City

**Earn up to 12 Hours MCLE Credit  
Including One Hour of Ethics**

**Earn up to 12 Hours Engineering Credit**

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