

**Featuring Speakers From:**

- Akin Gump Strauss Hauer & Feld LLP
- DL Sanders LLC: Water in New Mexico
- Franzoy Consulting, Inc.
- Gila River Reservation
- Havasupai Tribe
- Maguire Pearce & Storey PLLC
- Office of Climatology - Arizona State University
- Parsons Behle & Latimer
- Peter Mock Groundwater Consulting
- Salmon, Lewis & Weldon, PLC
- Snell & Wilmer LLP
- Sonosky Chambers Sachse Endreson & Perry LLP
- Standing Rock Sioux Tribe
- Stetson Engineers Inc.
- The Law Office of Patrick J. Cunningham LLC
- Western States Water Council

*The Fourth Annual Comprehensive Conference on*

# Tribal Water in Arizona

Major new developments for Indian water rights policy, regulations, and settlement processes

February 9 & 10, 2017

Phoenix, Arizona

Pointe Hilton Squaw Peak Resort

Live webcast and replays available!

Credits: 10.25 AZ CLE (call about others)

**Quick when/where:** 8:30 a.m., 7677 North 16th Street

**Tribal Water in Arizona Conference**  
February 9 & 10, 2017 | Phoenix, Arizona  
Pointe Hilton Squaw Peak Resort

**Yes! Please register me:**

Name: \_\_\_\_\_

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What type of credits do you need? \_\_\_\_\_

For which state(s)? \_\_\_\_\_

**Register my colleague:**

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Email: \_\_\_\_\_

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**If you cannot attend in person, check boxes to order:**

- Live Homestudy Webcast       Homestudy Replay Course Materials



**8:00 Registration Opens**

**8:30 Introduction & Overview**  
**Cynthia M. Chandley, Esq., Program Co-Chair**  
 Snell & Wilmer LLP ~ Phoenix, AZ  
**Steven J. W. Heeley, Esq., Program Co-Chair**  
 Akin Gump Strauss Hauer & Feld LLP ~ Phoenix, AZ

**8:45 Water Supplies: Update on the Long Range Regional Precipitation Forecast for the Southwest**  
 Ongoing development of forecasting science: What does it tell us about water supplies for the near and long term future?  
**Nancy J. Selover, Ph.D., State Climatologist**  
 Office of Climatology - Arizona State University ~ Tempe, AZ

**9:30 Conjunctive Management: The Science**  
 The scientific reality of ground and surface water flows: How they interact and the implications for designing effective water management policies  
**Peter A. Mock, Ph.D., R.G., President and Principal Hydrologist/Geologist/Environmental Scientist**  
 Peter Mock Groundwater Consulting Inc. ~ Paradise Valley, AZ

**10:15 Break**

**10:30 Conjunctive Management: Policy Options for Resolving Tensions between Conjunctive Management of Tribal Water and States with Separate Ground and Surface Water Regimes**  
 Overview of the regulatory regimes for ground and surface water in the southwestern states  
**Rita P. Maguire, Esq., Moderator**  
 Maguire Pearce & Storey PLLC ~ Phoenix, AZ  
 Lessons learned from the evolution of Indian water rights settlements in New Mexico  
**D. L. Sanders, Esq.**  
 DL Sanders LLC: Water in New Mexico ~ Santa Fe, NM  
 Tribal perspective on issues at the intersection of state and Tribal management  
**C. Eugene Franzoy, P.E.**  
 Franzoy Consulting, Inc. ~ Peoria, AZ  
 The dichotomy of influence between states and Tribes on the Colorado River  
**Margaret J. Vick, Ph.D, Esq., Attorney**  
 Havasupai Tribe ~ Tempe, AZ

**12:15 Lunch (on your own)**

**1:30 Quantification of Indian Water Rights**  
 What it takes to make your case  
**Joe Ely, Director of Indian Project Development**  
 Stetson Engineers Inc. ~ Chandler, AZ

**2:00 Waters of the US**  
 Clean Water Act regulations: litigation update; likely Trump administration policy changes; implications for Tribal water use and management  
**Christopher W. Payne, Esq.**  
 Snell & Wilmer LLP ~ Phoenix, AZ  
**Linus Everling, Esq., General Counsel**  
 Gila River Reservation ~ Sacaton, AZ

**3:00 Break**

**3:15 Drafting Tribal Water Codes**  
 Processes and criteria for a workable code  
**Jason T. Hauter, Esq.**  
 Akin Gump Strauss Hauer & Feld LLP ~ Washington, DC

**4:00 Standing Rock Sioux vs. Energy Transfer Partners (Dakota Access Pipeline)**  
 A case study of the political dynamics of the consultation requirements for projects with a potential impact on Tribal water quality and cultural sites: To what extent do we need nationwide reform with respect to these types of infrastructure projects?  
**Patrick J. Cunningham, Esq.**  
 The Law Office of Patrick J. Cunningham LLC ~ Scottsdale, AZ  
**The Hon. Dave Archambault, II, Chairman**  
 Standing Rock Sioux Tribe ~ Fort Yates, ND

**5:00 Continue the Exchange of Ideas: Reception for Faculty and Attendees**  
 Sponsored by Akin Gump Strauss Hauer & Feld LLP



About the Conference

LAW SEMINARS INTERNATIONAL

What previous attendees have said:

- “Very informative and entertaining!”
- “Thanks for organizing this great conference!”
- “I’m new to water issues so the conference was helpful in identifying what they are.”
- “Good presentations, enjoyed all info!”

Tribal lands make up a significant portion of the southwestern landscape, so it is no surprise that Tribal water rights are an important consideration for water planning and resource allocation throughout the region. This includes ongoing State general stream adjudications, which must address both federal reserved water rights for Tribal Reservations and water rights established by Tribes under state law.

Tribal water settlements, as an important vehicle for resolving disputes among stakeholders, must address water infrastructure and delivery challenges for both Indian and non-Indian communities. The issues can be very complex due to regional water scarcity and the need to reconcile federal environmental law with Tribal and private water use. Implementation requires a cooperative effort to obtain enactment of water settlement legislation that typically must include some federal funding to make the agreement work.

This Conference will present a comprehensive and current overview of the legal and practical issues impacting Tribal water rights and the development of Tribal water projects. It is particularly timely as we transition to a Trump administration with the attendant uncertainty at the federal level. We hope you’ll be able to join us for a lively and informative discussion.

Program Co-Chairs: Cynthia M. Chandley, Esq., Snell & Wilmer LLP and Steven J.W. Heeley, Esq., Akin Gump Strauss Hauer & Feld LLP



- 8:30 Post-Election Shifts in Federal Tribal Water Policy**  
Administrative branch: How the players are changing at key federal agencies  
**Jodi A. Gillette, Policy Advisor**  
Sonosky Chambers Sachse Endreson & Perry LLP  
Washington, DC  
  
Legislative branch: How the election is affecting committee structures in the House and Senate  
**Allison C. Binney, Esq.**  
Akin Gump Strauss Hauer & Feld LLP ~ Washington, DC
- 9:45 National Update on Tribal Water Rights Settlement Activities**  
Overview of pending Tribal/state water settlements  
**Michelle Bushman, Esq., Legal Counsel**  
Western States Water Council ~ Salt Lake City, UT
- 10:30 Break**
- 10:45 Federal Criteria and Procedures for Indian Water Rights Settlements and Office of Management and Budget (OMB) Funding under the Bishop Letter**  
Roles of the Department of the Interior (DOI), Department of Justice (DOJ), and OMB; the working relationship among the agencies; current OMB restrictions on funding; prospects to changes to the Bishop letter; new administration's policy priorities  
**Donald J. Simon, Esq.**  
Sonosky Chambers Sachse Endreson & Perry LLP  
Washington, DC
- 11:30 Tips from the Trenches for Working with the Federal Government on Settlement Issues**  
**L. Michael Bogert, Esq.**  
Parsons Behle & Latimer ~ Boise, ID  
**John B. Weldon, Jr., Esq.**  
Salmon, Lewis & Weldon, PLC ~ Phoenix, AZ
- 12:30 Evaluations and Adjourn**

### Related Seminars & Webcast Replays:

Sustainable Groundwater in California	June 6-7, 2016	Sacramento, CA
Water Law in Idaho	Sept. 12-13, 2016	Boise, ID
Tribal Water Law in California	October 27-28, 2016	Valley Center, CA
SGMA, GSA Setup & GSP Preparation	January 9-10, 2017	Los Angeles, CA
Buying & Selling Electric Power in the West	January 23-24, 2017	Seattle, WA
Cannabis as a Business in California	February 3, 2017	Sacramento, CA
Cannabis in Indian Country	March 15-16, 2017	Las Vegas, NV
Natural Resource Damages	March 23-24, 2017	Washington, DC
Tribal Energy	April 3-4, 2017	Albuquerque, NM

See more at [www.lawseminars.com](http://www.lawseminars.com)



### Registration & Other Conference Information

#### To Register:

Call us at: 206-567-4490  
 Fax the registration form to us at: 206-567-5058  
 Email us at: registrar@lawseminars.com  
 Online: www.lawseminars.com  
 Mail the registration form on the front page.  
 Walk-ins are welcome, subject to space availability.  
 Registration is complete when we receive payment or agree to later payment.

**Tuition:** Regular tuition for in person or webcast attendance for this program is \$795 with a group rate of \$595 each for two or more registrants from the same firm. For Tribal members and government employees, we offer a special rate of \$530. For students, people in their job for less than a year, and public interest NGO's, our rate is \$397.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Materials will be available for download and review a few days before the seminar. 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, February 3, 2017. After that time, we will credit your tuition toward attendance at another program or the purchase of a webcast or audio replay.  
**Seminar Location:** The conference will be held at the Pointe Hilton Squaw Peak Resort at 7677 North 16th Street in Phoenix, AZ 85020. For reservations at the special negotiated rate of \$219 call the hotel directly at (602) 997-2626 and mention that you are attending a Law

Seminars International conference or visit the link on our website. Rooms are on a first come, first served basis.  
**Continuing Education Credits:** Live credits: This program qualifies for 10.25 AZ CLE credits. Upon request, we will apply for, or help you apply for, CLE credits in other states and other types of credits.  
**Time Shift Your Content:** Webcast and audio replays, with course materials, are available for \$905. The course materials alone are available for \$100. Replays will be available within two weeks after the seminar or from the date we receive payment.

**Faculty: Tribal Water in Arizona Conference**

**Cynthia M. Chandley**, *Program Co-Chair*, is a partner at Snell & Wilmer LLP. She focuses on water, mining, natural resources, energy and environmental law as part of the firm's Natural Resources practice group. She has experience representing both large private claimants and governmental agencies in Arizona's General Stream Adjudication.

**Steven J.W. Heeley**, *Program Co-Chair*, is a consultant at Akin Gump Strauss Hauer & Feld LLP. He focuses on policy and regulation and American Indian law and policy. He advises Tribes on corporate, transactional and natural resources matters, as well as Tribal governance and jurisdictional issues.

**Rita P. Maguire**, *Moderator*, is the founder of Maguire, Pearce & Storey, PLLC. She is experienced in water, environmental and administrative law in Arizona. Previously, she was the founding President and CEO of the Arizona Center for Public Policy and Director of the Arizona Department of Water Resources.

**The Hon. Dave Archambault, II** is the Chairman of the Standing Rock Sioux Tribe.

**Allison C. Binney** is a partner at Akin Gump Strauss Hauer & Feld LLP. She advises clients regarding American Indian law and policy. Previously, she served as Staff Director and Chief Counsel to the U.S. Senate Committee on Indian Affairs, and before that, as General Counsel to the Committee.

**L. Michael Bogert** is the managing shareholder at Parsons Behle & Latimer's D.C. Office. He is the former Regional Administrator of the U.S. Environmental Protection Agency's Region 10 office, former Counselor to Interior Secretary Dirk Kempthorne and was Gov. Kempthorne's principal legal advisor.

**Michelle Bushman** serves as Legal Counsel for the Western States Water Council. She focuses on water law, public policy, and government relations, working with state water administrators appointed by 18 Western governors to address water challenges in the West.

**Patrick J. Cunningham**, The Law Office of Patrick J. Cunningham, LLC, provides environmental compliance and permitting advice, general corporate and business representation, and government affairs assistance to individuals and businesses. He is also General Counsel to HighGround Public Affairs Consultants.

**Joe Ely** serves as Tribal Project Coordinator and Director of Indian Project Development with Stetson Engineers Inc. He is the former Tribal Chairman of the Pyramid Lake Paiute Tribe, and is experienced in Indian water rights quantification and establishment.

**Linus Everling** is General Counsel at the Gila River Indian Community. He is an enrolled member of the Turtle Mountain Chippewa Tribe, Belcourt, North Dakota.

**C. Eugene Franzoy, P.E.**, Franzoy Consulting, Inc., provides technical services to clients, including state and local governments, Tribes, private industry, and to clients in negotiation and litigation of complex water rights cases.

**Jodi A. Gillette** (Hunkpapa and Oglala Lakota) is a Policy Advisor for Sonosky, Chambers, Sachse, Endreson & Perry, LLP. Previously, she served President Barack Obama from 2009-2015 as the Special Assistant to the President for Native American Affairs in the White House Domestic Policy Council.

**Jason T. Hauter** is Senior Counsel at Akin Gump Strauss Hauer & Feld LLP. He advises clients regarding American Indian law and policy. Previously, he was in-house counsel for the Gila River Indian Community, representing the community on economic development, construction, taxation and internal policy.

**Peter A. Mock, Ph.D., R.G.** is President and Principal Hydrologist, Geologist and Environmental Scientist at Peter Mock Groundwater Consulting, Inc. He has worked on challenges in hydrologic science, including groundwater-surface water interaction, the Gila River Adjudication and Tribal water rights.

**Christopher W. Payne** is an attorney at Snell & Wilmer LLP. He focuses on land use and natural resources including water, mining, environmental, and real estate law. Previously, he was a civil engineer conducting water supply and water development studies, floodplain delineation, solid waste planning, and grading and drainage design.

**D.L. Sanders**, DL Sanders LLC: Water in New Mexico, is the former Chief Counsel to the New Mexico Chief Engineer. He oversaw the settlement of three major multi hundred million dollar Indian water rights adjudication cases. In support of these he testified before congress in the successful effort to get them funded.

**Nancy J. Selover, Ph.D.**, serves as State Climatologist for the Office of Climatology at Arizona State University. In that role, she educates groups on climate topics including the urban heat island, monsoon, drought, extreme weather, climate change, and Arizona's climate. She interfaces with state and city agencies, Tribes, private businesses, researchers, and the public, providing climate data and information to assist these groups.

**Donald J. Simon** is a partner at Sonosky Chambers Sachse Endreson & Perry LLP. He has worked on litigation and administrative law matters, and has represented tribal interests in water rights, fishing rights, self-determination issues, boundary disputes, jurisdictional matters, sovereignty issues, land claims, Indian gaming and general litigation.

**Margaret J. Vick, Ph.D.**, is an attorney for the Havasupai Tribe. She works with elected and appointed government officers on complex cross-jurisdictional issues in remote locations to train and build local capacity for self-governance. Her research and specialized expertise is in water, natural resources and environmental utilization, management and regulation.

**John B. Weldon, Jr.** is a founding member of Salmon, Lewis & Weldon, PLC. He focuses on water law, natural resources litigation, environmental law, Indian law, and electric power and utilities.

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Phoenix, Arizona

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**Who Should Attend:**

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

**Our Co-Chairs:**



**Cynthia M. Chandley, Esq.**  
Snell & Wilmer LLP



**Steven J.W. Heeley, Esq.**  
Akin Gump Strauss Hauer & Feld LLP

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