

# Water Rights: The Rules Are Changing

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## SEMINAR SCHEDULE

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### MORNING SESSION

- 7:45 A.M. REGISTRATION  
CONDUCTING SEMINAR:  
**Don A. Barnett**, Barnett Intermountain Water Consulting
- 8:15 A.M. WELCOME:  
**Don A. Barnett** and **Carly B. Burton**, Utah Water Users Association
- 8:30 A.M. *Legislative and Case Law Update*  
**Matthew E. Jensen**, Smith Hartvigsen
- 9:00 A.M. *Federal Interest in Water Projects*  
**Christopher B. Rich**, U.S. Department of the Interior, Office of the Solicitor
- 10:00 A.M. BREAK: Sponsored by the Seminar
- 10:15 A.M. *Who Can File a Change Application?*  
**Michael M. Quealy**, Utah Attorney General's Office
- 11:00 A.M. *The Role of Non-Use in the Change Application Process*  
**Steven E. Clyde**, Clyde Snow  
**Mark H. Stratford**, Assistant City Attorney, Ogden City

- 12:00 P.M. LUNCHEON: Provided by the Seminar
- 12:30 P.M. Luncheon Speaker:  
*Indian Water Right Settlements*  
**Michael R. Styler**, Director, Utah Department of Natural Resources

### AFTERNOON SESSION

- 1:30 P.M. *Planning for Southern Nevada's Future*  
**John J. Entsminger**, Senior Deputy General Manager, Southern Nevada Water Authority
- 2:20 P.M. PANEL: *Recent Developments in the Water Right Title Update Process*  
**Jon Schutz (Moderator)**, Mabe Wright & James  
**Randy Tarantino**, Title Program Manager, Utah Division of Water Rights  
**Ed Bowler**, Southern Utah Title Company  
**Brad Dobson**, First American Title
- 3:20 P.M. *Municipal Water Rights: Who, What, Extensions, 40-year Plans, Non-use, Proof and Certification, etc. etc.*  
**Kent L. Jones**, State Engineer, Utah Division of Water Rights
- 4:15 P.M. WRAP UP & ADJOURNMENT:  
**Don A. Barnett**

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## SEMINAR OVERVIEW

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THIS IS THE TWENTY-SECOND YEAR that the Water Law Committee of the Energy, Natural Resources and Environmental Law Section of the Utah State Bar, the Utah Water Users Association and Barnett Intermountain Water Consulting have teamed to sponsor this "Water Law & Policy Seminar." Each year we find that there are many timely subjects ripe for discussion, but they cannot all be fit into a single-day program. This seminar is scheduled each year one week after the legislative session ends so that we can give a timely update on legislative as well as judicial actions which affect the administration of water rights.

Several years ago litigation was initiated regarding the use of water from the Strawberry Valley Project in Utah County. This litigation has morphed into several fronts and will be discussed at this year's seminar. Additionally, two significant Utah Supreme Court decisions were rendered this year which will affect who is entitled to file a water right change application and how the State Engineer should consider non-use in the change application review process. Proposed legislation may modify the effect of the Court's rulings on these two subjects, and as the dust settles after the legislative session, presenters will help us sort out what it all means.

The amount of water available for use by appropriators is affected by the recognition of reserved water rights. During lunch

Utah's Director of the Department of Natural Resources will provide an update on the progress to quantify and settle some of Utah's Indian water rights. Several decades ago it seemed like Nevada's entitlement to the Colorado River would be sufficient for southern Nevada's needs well into the future. The more recent growth has sent water providers searching for additional dependable water supplies. At the seminar the Southern Nevada Water Authority's Senior Deputy General Manager will discuss the water needs of this arid region.

As water rights have become more valuable and the dividing and transfer of water rights has increased dramatically, so has the need for completeness and exactness in the water right title update process in the State Engineer's office. A panel will discuss this subject and recent developments in the process. Legislative and other changes have modified the treatment of "municipal" water rights, which has in turn required changes in the Division of Water Rights' rules and policies relative to municipal water rights. We are pleased that our concluding speaker will be the Utah State Engineer who will provide guidance on this and other timely subjects.

As in past years, this year's seminar promises to be both provocative and informative with presentations from a faculty of professionals who are knowledgeable on these timely subjects.

