

## 31st Conference Program!

June 13-14, 2016 • Hotel Nikko • San Francisco



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for the California Water Bar since 1989

# California Water Law & Policy

El Niño has brought a sigh of relief to water suppliers and agencies tasked with overseeing California's water systems. But the drought isn't over for everyone, and the vagaries brought on by a changing climate add to water supply uncertainty. If the past several years have taught us anything it's that long-term water planning is crucial to survive the feast-or-famine nature of California's water supply.

With this in mind, this year we have assembled for you a comprehensive and practical two-day California Water Law Conference that focuses on long-term water supply issues facing the state: How state and federal agencies are planning future management decisions; the limits of State Water Resources Control Board authority during droughts; developments with the Cal WaterFix project; water transfers as a means of coping with unpredictable supplies; and big questions related to reforming California's water law system.

You'll also learn how to navigate water supply assessments for development, strategies for Sustainable Groundwater Management Act implementation, and how disputes over regional water assets are progressing.

You'll hear from representatives of state regulatory agencies, environmental organizations, the academic community, consulting firms, top water attorneys from throughout the state, and a Keynote Presentation from Thomas Gibson, Deputy Secretary and Chief Counsel of the California Resources Agency.

This year more than ever, your participation will be crucial to your effectiveness as an attorney, water district staff or board member, federal or state government representative, consulting engineer, city or county counsel or planner, environmental organization representative, developer or agricultural business owner. This is a must attend event!

Be sure to register today for this informative conference and find out what impact these critical topics will have on each other—and how the potential outcomes will impact your practice, agency or organization in the future.

Conference Co-Chairs,



Kevin M. O'Brien, Esq.  
Downey Brand  
Sacramento



Steven Anderson, Esq.  
Best, Best & Krieger  
Riverside

The *only* California Water Law & Policy conference produced by the Publishers of the *California Water Law & Policy Reporter* and co-sponsored by many of the state's top legal firms.



### Conference Co-Sponsors:



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**Always in San Francisco,  
always in the Spring.**

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# Program

## California Water Law & Policy

### DAY ONE

- 7:30 Registration and Continental Breakfast
- 8:30 **Conference Overview with Critical Detail**  
(Co-Chairs: Kevin M. O'Brien, Esq., Steven Anderson, Esq.)
- 8:45 **Recent Developments in California Water Law** (Prof. Jennifer Harder, McGeorge School of Law, Sacramento)
- 9:45 **Climate Change and California's Water: Global Weirding or Business as Usual?**  
  - Long-term Projections and Statewide Planning (Michael Anderson, State Climatologist, California Department of Water Resources, Sacramento)
  - Managing Surface Water Infrastructure in Light of Changing Climate (Michelle H. Denning, Regional Planning Manager, Division of Planning, USBR, Sacramento)
- 10:45 BREAK
- 11:00 **Establishing the Limits of State Water Board Authority during Droughts**  
  - Overview of SWRCB Actions during the Recent Drought (Meredith Nikkel, Esq., Downey Brand, Sacramento)
  - Role of State Water Board— Depends on the Weather? (Nicole Kuenzi, Sr. Staff Counsel, Office of Chief Counsel, SWRCB, Sacramento)
  - Water Users' Disparate Views on State Water Board Authority (Rebecca Akroyd, Esq., Kronick Moskovitz, Tiedemann & Girard, Sacramento)
- 12:00 LUNCH (On Your Own)
- 1:15 **KEYNOTE: The Water Component of the California Resources Agency's Climate Change Action Plan** (Thomas Gibson, Deputy Secretary and Chief Counsel, Resources Agency, Sacramento)
- 1:45 **Developments on the Delta Tunnels Project**  
  - The Exporter Perspective: Toward a Sustainable Water Supply (Thomas Berliner, Esq., Duane Morris, San Francisco)
  - The Fix Is in for the Bay-Delta Estuary (George Torgun, Managing Attorney, San Francisco Baykeeper, San Francisco)
  - Cal WaterFix Is No Fix at All (George Hartmann, Esq., The Hartmann Law Firm, Stockton)
- 2:45 BREAK
- 3:00 **Serving Development in Times of Scarcity**  
  - Addressing Drought-Related Supply Uncertainties in Water Supply Assessments and Verifications (Clark Morrison, Cox Castle & Nicholson, San Francisco)
  - Navigating New State and Local Water Conservation Requirements (Amy Steinfeld, Esq., Brownstein Hyatt Farber Schreck, Santa Barbara)
- 4:00 **Water Law Reform... on the Table?**  
  - Is California Destined for Fundamental Reform of Its Water Law System? (Barton H. "Buzz" Thompson, Jr., Stanford Law School, Stanford)
  - What Can We Learn about Water Law Reform from Down Under? The Australian Example (Ryan Bezerra, Esq., Bartkiewicz, Kronick & Shanahan, Sacramento)
- 5:00 Q&A and Adjourn to Networking Reception

### DAY TWO

- 7:30 Registration and Continental Breakfast
- 8:30 **Overview of Day Two (Co-Chairs)**
- 8:45 **Water Transfers as a Means of Coping with Unpredictable Supplies**  
  - Reclamation's Long-Term Water Transfers—A Programmatic Approach (Richard Woodley, Regional Resources Manager, Division of Resources Management, USBR, Sacramento)
  - Recommendations to Improve the Water Transfer Process and Enhance Access to Voluntary Water Markets (Timothy Quinn, Executive Director, Association of California Water Agencies, Sacramento)
  - A Panacea, or a Limited Safety Valve in a Stressed System? (Chris Scheuring, Managing Counsel, California Farm Bureau Federation, Sacramento)
- 10:00 BREAK
- 10:15 **Navigating SGMA Implementation: Insights and Experiences**  
  - What Do All These New DWR Regulations Mean? (Wesley Miliband, Esq., Stoel Rives, Sacramento)
  - Legislative Amendments and Proposals Regarding SGMA (Kristin Garcia, Esq., Jackson Tidus, Irvine)
  - Achieving True GSA Representation for Private Pumper Interests: Negotiate, Adjudicate, or Both? (Derek Hoffman, Esq., Gresham Savage, Nolan & Tilden, San Bernardino)
- 11:30 **Hetch Hetchy and Competing Interests: Valley or Reservoir?** (Restore Hetch-Hetchy v. SFPUC)  
  - Yosemite or Water Storage: Is Hetch Hetchy a Reasonable Method of Diversion under California Law? (Michael Lozeau, Esq., Lozeau Drury, Oakland)
  - The 1913 Raker Act: What Did Congress Intend? (Joshua Milstein, Deputy City Attorney, San Francisco)
- 12:15 LUNCH (On Your Own)
- 1:30 **The Ongoing Battle over Sacramento River Basin Water Use**  
  - Hydrology of the Sacramento River Basin (Walter Bourez, III, P.E., MBK Engineers, Sacramento)
  - Managing Sacramento River Water Supplies for Agriculture and Multiple Beneficial Uses (Brittany Lewis-Roberts, Esq., Somach, Simmons & Dunn, Sacramento)
- 2:15 **Water Law Litigation and Adjudication Update**  
  - May U.S. Army Corps CWA Wetlands Determinations Be Challenged in Court? United States Army Corps of Engineers v. Hawkes Co. (Peter Prows, Esq., Briscoe Ivester & Bazel, San Francisco)
  - Public Trust Doctrine Boundaries for Groundwater and Related Resources (Christian Marsh, Esq., Downey Brand, San Francisco)
  - The Antelope Valley Adjudication: Lessons Learned (Jeffrey Dunn, Esq., Best, Best & Krieger, Irvine)
- 3:30 Q&A and Adjourn

### Conference Co-Chairs:

**Steven Anderson** focuses on environmental, water and natural resources law including practice under the ESA, Clean Water Act and under state water quality and water rights laws.

**Kevin O'Brien** assists clients throughout California in water rights, water quality, endangered species and environmental matters including litigating in state and federal courts and at administrative hearings.

### Conference Faculty:

**Rebecca Akroyd** represents public and private clients in the areas of natural resources and water law and focuses on regulatory compliance.

**Michael Anderson** advises the Department of Water Resources on climate, climate change and water supply patterns.

**Thomas Berliner** advises public and private clients on water supply, hydropower, energy, natural resources and environmental law.

**Ryan Bezerra** represents clients on water rights and quality issues, litigation of groundwater rights, the ESA, and water-supply assessments.

**Walter Bouerez** represents clients in water basin, river and water resource engineering modeling.

**Michelle Denning** is a regional planning manager for the Mid-Pacific Region of the USBR on water storage and supply.

**Jeffrey Dunn** represents cities and public water suppliers in disputes over groundwater rights, and in other water law disputes and litigation matters.

**Kristin Garcia** represents private and public clients in environmental matters, including groundwater, air quality, climate change, energy, and land use law.

**Thomas Gibson** {Keynote} oversees programs and counsels the State of California in the areas of natural resources and water supply.

**Jennifer Harder** is an assistant professor and teaches courses in water law and environmental law.

George Hartmann advises clients on water right acquisitions and transfers, water and reclamation district law, and water delivery systems.

**Derek Hoffman** represents clients in transactional and litigation matters in the areas of water rights, business, real estate and eminent domain.

**Nicole Keunzi** counsels the water board members and staff on matters related to water rights, drought response, and groundwater.

**Brittany Lewis-Roberts** provides legal advice on public agency matters, renewing water quality permits, maintaining permit compliance, and litigating water issues.

**Michael Lozeau** represents public interest clients on matters involving the CWA and the California Porter-Cologne Water Quality Control Act.

**Christian Marsh** represents clients on endangered species, water rights, water quality, wetlands, environmental review, and the public trust doctrine.

**Wesley Miliband** represents clients on securing, protecting and assisting with water supplies and water rights transfers.

**Joshua Milstein** represents the City of San Francisco and practices in the operation of a large urban water utility, including environmental law, water rights, and real estate.

**Clark Morrison** represents clients in the area of real property development including law related to federal endangered species, wetlands, public lands, and other natural resources.

**Meredith Nikkel** advises clients on water law, water supply development and management, and serves as special and general counsel to cities, counties and special districts.

**Peter Prows** counsels public and private clients on water, land use, and boundary delimitation, endangered species, wetlands, real property and the law of the sea issues.

**Timothy Quinn** oversees a statewide association of local public water agency members helping shape significant developments in state water policy.

**Chris Scheuring** is counsel to a non-governmental, non-profit California Corporation whose purpose is to protect and promote agricultural interests throughout California.

**Amy Steinfeld** represents public water agencies, special districts, private landowners and water utilities on a broad range of water and land use issues.

**Barton H. "Buzz" Thompson, Jr.** is Professor of Natural Resources Law and the Director, of the Woods Institute for the Environment.

**George Torgun** oversees a not-for profit's CWA citizen suit enforcement program and serves as lead in-house counsel.

**Richard Woodley** is a regional resources manager of reclamation projects and water storage and supply for the USBR.

### Location and Lodging:

The site of the program is the Hotel Nikko, 222 Mason St., San Francisco, CA 94102. A block of rooms has been reserved at a special negotiated rate of \$279. To register for your room at the discounted rate, [CLICK HERE](#), or call 866-NIKKO-SF, and ask for the "2016 Water Law & Policy Conference" discount. Space is limited, so register by the May 27, 2016 cut-off date!

### Tuition:

Conference tuition is \$895. A discount of \$100 is available for individuals from government agencies, public interest groups, or academia; for current subscribers to the *California Water Law & Policy Reporter*; or for each attendee when two or more people from one firm or organization register together.

Tuition includes attendance, program materials, continental breakfasts, morning and afternoon refreshment breaks, and a three-month electronic subscription to the *California Water Law & Policy Reporter* (a \$200 value).



### Five Ways to Register:

Early registration is encouraged. To register: (1) Online for both the conference and hotel, [CLICK HERE](#); (2) Mail the completed registration form on the reverse to: Argent Communications Group, PO Box 506, Auburn, CA 95604-0506; (3) Complete the registration form and fax to 530-852-0360; (4) Email it to <register@argentco.com>; or (5) Call 800-419-2741. Full payment or purchase order is due with registration.

### MCLE Credit:

MCLE accreditation has been requested for this program. Pending MCLE accreditation approval by the State Bar of California for up to 11 hours.

### Cancellation Policy:

Full refunds (less a \$50 processing fee) will be made only if notice is received by June 6, 2016. Substitutions are encouraged. Argent Communications Group reserves the right to cancel any program and assumes no responsibility for personal loss.



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### REGISTRATION FORM

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Email (required): \_\_\_\_\_

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**“California’s Water Law, Policy and Regulation:  
Coping with the Challenges of Unpredictable Supply”**

WITH A FEATURED PRESENTATION BY:



Thomas Gibson, Deputy Secretary and  
Chief Counsel, California Resources Agency

**REGISTER TODAY!**

**800-419-2741**

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