

## 33rd Conference Program!

June 11-12, 2018 • Omni Hotel • San Francisco



Publications and MCLE Conference Programs  
for the California Water Bar since 1989

# California Water Law & Policy

Dear Colleague,

We are pleased to invite you to attend Argent Communications Group's 2018 annual California Water Law & Policy Conference.

California's water law and policy remain a moving target for 2018. But this year, several matters have garnered attention: Water Storage Projects and Water Planning Projects. The Bay-Delta Water Quality Control Plan and California WaterFix are two issues that have particular focus because of the potential to impact various interests throughout the state.

Our altered flow regimes due to climate change remain in the headlights of most water supply issues, with snowpack coming in intense, short periods. Regulatory approval and funding of several new water storage projects highlight the growing importance of water capture in an era of changing snowmelt patterns, with the added challenge of maintaining healthy aquatic ecosystems.

We're also covering other important issues. Groundwater Sustainability Plans are becoming a reality under SGMA and deadlines are fast approaching; changing Endangered Species Act issues impact your water practice; the Clean Water Act is in play as the Trump Administration continues its efforts to scale it back; conservation, recycling and the public right to water are all on the radar; and the legalization of cannabis raises issues for both water supply and quality.

As an attendee, you will gain practical knowledge from our outstanding faculty who represent state regulatory agencies, environmental organizations, the academic community, water supply agencies, and top water attorneys from throughout the state. Over the two days, you will also have invaluable networking opportunities with the faculty and your colleagues.

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.

Sincerely,



Steven Anderson, Esq., Program Co-Chair  
Best, Best & Krieger, Riverside



Meredith Nikkel, Esq., Program Co-Chair  
Downey Brand, Sacramento

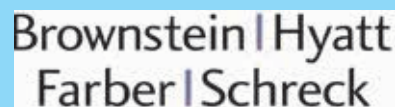
The *only* California Water Law & Policy conference produced by the Publishers of the *California Water Law & Policy Reporter* and co-sponsored by many of the state's top legal firms.



### Conference Co-Sponsors:



BEST BEST & KRIEGER  
ATTORNEYS AT LAW



**REGISTER TODAY!**

800-419-2741

<register@argentco.com>

**DAY ONE:**

7:30 Registration and Continental Breakfast

**8:30 Introduction with Critical Detail** (*Steve Anderson, Esq., Best, Best & Krieger, Riverside; Meredith Nikkel, Esq., Downey Brand, Sacramento*)

**8:45 Swift Currents and Dueling Sovereigns: Navigating Inter-jurisdictional Tension in California Water** (*Professor Jennifer Harder, McGeorge School of Law, Sacramento*)

**9:30 California's Water Supply Situation and Mitigation Efforts**

- **Long-Term Climate Projections Relevant for Statewide Water Planning** (*Michael Anderson, State Climatologist, California Department of Water Resources, Sacramento*)
- **Climate Change and State and Local Water Management** (*Jena Acos, Esq., Brownstein, Hyatt, Farber, Schreck, Santa Barbara*)
- **Water Conservation Regulation Case Study** (*Joone Lopez, General Manager, Moulton Niguel Water District, Laguna Niguel*)

10:45 BREAK

**11:00 Developing and Funding Water Storage and Water Projects**

- **New Water Storage in California** (*Jeffrey Sutton, General Manager, Tehama-Colusa Canal Authority, Willows*)
- **Temporary Permits and Groundwater Storage Projects** (*David Cameron, Esq., Downey Brand, Sacramento*)
- **California Water Infrastructure and Federal Money** (*John Freshman, Esq., Best, Best & Krieger, Washington DC*)

12:15 LUNCH (on your own)

**1:30 The Clean Water Act: Where Are We Now?**

- **Scope of Federal Jurisdiction—Where Are We Heading?** (*Scott Birkey, Esq., Cox, Castle & Nicholson, San Francisco*)
- **Recent Decisions Applying the Clean Water Act** (*Wesley Miliband, Esq., Stoel Rives, Sacramento*)

**2:30 Developing Endangered Species Act Impacts on Water**

- **ESA Regulation and Water Rights: The Klamath Decision on Takings** (*Sam Bivins, Esq., Downey Brand, Sacramento*)
- **Must "Critical Habitat" Be Habitable? Markle Interests Heads to the Supreme Court** (*David Ivester, Esq., Briscoe, Ivester & Bazel, San Francisco*)

3:30 BREAK

**3:45 Emerging Law and Regulation over Water Access, Use Restrictions and Cost**

- **The Public Right to Water: Is the Public Goods Charge a Tax on Water?** (*Tim Quinn, Executive Director, Association of California Water Agencies, Sacramento*)
- **State Water Resources Control Board Conservation and Recycled Water Actions** (*David Rose, Attorney III, California State Water Resources Control Board, Sacramento*)
- **Dirt, Water & Sunshine: How Much Can We Change the Equation for Ag** (*Christian Scheuring, Managing Counsel, California Farm Bureau Federation, Sacramento*)

5:00 ADJOURN TO HOSTED RECEPTION

**DAY TWO:**

7:30 Registration and Continental Breakfast

**8:30 Overview with Critical Detail** (*Steve Anderson, Esq. and Meredith Nikkel, Esq.*)

**8:45 SGMA Update: Emerging Issues, Strategies and Lessons Learned... So Far**

- **Strategies for Private Pumpers in Developing GSPs** (*Michele Staples, Esq., Jackson Tidus, Irvine*)
- **Will They Make It by 2020? GSP Development in California's Critically Overdrafted Groundwater Basins** (*Derek Hoffman, Esq., Gresham Savage, San Bernardino*)
- **Funding Options for GSP Preparation and Implementation** (*Kelly Salt, Esq., Best, Best & Krieger, San Diego*)

10:15 BREAK

**10:30 Practical Perspectives on California WaterFix**

- **The State Administrative Process** (*Tripp Mizell, Senior Staff Counsel, California Department of Water Resources, Sacramento*)
- **Judicial Challenges by Water Users** (*Kelley Taber, Esq., Somach, Simmons & Dunn, Sacramento*)
- **The Environmental Perspective** (*Elizabeth Forsyth, Staff Attorney, Public Lands and Wildlife, Earthjustice, Los Angeles*)

12:00 LUNCH (on your own)

**1:15 KEYNOTE PRESENTATION: The California Water Commission and the Status of New Storage Projects** (*Armando Quintero, Chair, California Water Commission, Sacramento*)

**2:00 Bay-Delta Water Quality Control Plan Update: Water Management, Science and the BDWQCP**

- **Floodplain Science and Multiple Benefits for Ecosystem, Flood and Water Supply Management** (*Jacob Katz, Ph.D., Senior Scientist, Cal Trout, San Francisco*)
- **Users South of the Delta Perspective** (*Jon Rubin, General Counsel, San Luis & Delta Mendota Water Authority, Los Banos*)
- **Users North of the Delta Perspective** (*Dan Kelly, Staff Counsel, Placer County Water Agency, Auburn*)

3:15 BREAK

**3:30 Growing "Green" in California: Cannabis, Water Supply and Water Quality Concerns**

- **Water Supply and Rights for Pot Grows** (*Hanspeter Walter, Esq., Kronick, Moskovitz, Tiedemann & Girard, Sacramento*)
- **Water Quality and Regulatory Concerns** (*Lena Germinario, Associate Attorney, Green Wise Legal, Sacramento*)

4:30 ADJOURN

**Conference Co-Chairs:**

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

**Meredith Nikkel** practices in natural resources, water rights and water quality law representing clients at administrative proceedings before the State Water Resources Control Board and in the federal and state courts.

**Program Keynote:**

**Armando Quintero** Chairs the California Water Commission, which advises the Department of Water Resources, approves rules and regulations, monitors the construction and operation of the State Water Project, and takes appropriate statutory actions to further the development of policies that support integrated and sustainable water resource management and a healthy environment.

**Conference Faculty:**

**Jena Acos** represents water districts and private sector clients in natural resources, water and public agency law.

**Michael Anderson** advises the DWR on climate, climate change and water supply patterns.

**Scott Birkey** is a land use and natural resources lawyer who handles entitlement, compliance, and litigation matters.

**Samuel Bivins** represents private and public agency clients in ESA, groundwater rights, and CEQA litigation.

**David Cameron** practices in surface and ground water rights, assessments and management, and ESA matters.

**Elizabeth Forsyth** is a public lands and wildlife attorney with an environmental advocacy organization.

**John Freshman** advises on legislative, regulatory and permitting issues concerning water and air quality, and the ESA.

**Lena Germinario** practices water, environmental, administrative, and land use law, and regulatory compliance.

**Jennifer Harder** is an Assistant Professor at UOP McGeorge School of Law, covering water rights law.

**Derek Hoffman** practices water rights, groundwater basin SGMA compliance, business, and real estate law.

**David Ivester** represents clients on land use, environmental review, wetlands, endangered species, water quality, and natural resource issues.

**Jacob Katz** directs a species advocacy and protection organization focusing on water infrastructure.

**Dan Kelly** is Staff Counsel with the Placer County Water Agency.

**Joone Lopez** manages water, wastewater and recycled water services for Moulton Niguel Water District.

**Wesley Miliband** represents clients in water rights, supply and transfer law, and water infrastructure matters.

**Tripp Mizell** is a Senior Staff Counsel in the Office of Chief Counsel.

**Tim Quinn** oversees agency members in helping shape developments in state water policy.

**David Rose** is an attorney in the Office of Chief Counsel, where he advises on water rights.

**Jon Rubin** is General Counsel of the San Luis & Delta Mendota Water Authority.

**Kelly Salt** works in municipal finance matters, rate setting and compliance with propositions 218 and 26.

**Chris Scheuring** works to protect and promote agricultural interests throughout California.

**Michele Staples** practices land use, endangered species, water rights, water supply, and environmental law.

**Jeffrey P. Sutton** is General Manager of the Tehama-Colusa Canal Authority.

**Kelley Taber** advises in land use project approval, and compliance under CEQA and NEPA.

**Hanspeter Walter** practices water, environmental, administrative, and land use law, and regulatory compliance.

**Location and Lodging:**

The site of the program is the Omni San Francisco Hotel, 500 California St., San Francisco, CA 94104. A block of rooms has been reserved at a special negotiated rate of \$299. To register for your room at the discounted rate, [CLICK HERE](#), or call 1-800-THE-OMNI, and ask for the "Argent Water Law Conference" discount. Space is limited, so register by the May 21, 2018 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 13 hours.

**Cancellation Policy:**

Full refunds (less a \$50 processing fee) will be made only if notice is received by May 28, 2018. 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

**Yes!** Please register the following:

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

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

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

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

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

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

Firm/Agency: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ St: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

#### TUITION:

- \$895 per person, or  
 \$795 each for two or more from the same firm, or  
 \$795 government and nonprofit employees, or  
 \$695 each for two or more government and nonprofit employees

Promo code: \_\_\_\_\_

#### PAYMENT METHOD:

- Check enclosed. Payable to Argent Communications Group  
 P.O. attached. OR  
 Charge my:  Visa  MasterCard Exp Date: \_\_\_\_\_

Card #: \_\_\_\_\_

Signature (required): \_\_\_\_\_

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### “Water Projects, Rights and Management in the Era of Changing Supply”

WITH A FEATURED PRESENTATION BY:



Armando Quintero, Chair  
California Water Commission

WHAT ATTENDEES SAY ABOUT THIS CONFERENCE:

“This conference was terrific. I appreciated the breadth and depth of the presentations and will use the information going forward.”

—David Edwards, Deputy City Attorney  
Los Angeles City Attorney’s Office  
Department of Water and Power

“The conference formula is spot on and allows enough flexibility to adjust to current topics. One could attend this conference every year and walk away with new, relevant, and useful information.”

—Paul R. Boughman, Special Counsel, Water Law  
Western Area Counsel Office, Camp Pendleton

**REGISTER TODAY!**

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**<register@argentco.com>**