

## 37th Annual Conference

June 8-9, 2023 *In-Person!*



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 join us at Argent Communications Group's 2023 annual California Water Law & Policy Conference—in-person this year at the Hilton Santa Barbara Beachfront Resort.

What a change a year makes and what a rainy season it was! The immediate dialogue has changed from dealing with a punishing, long-term drought exacerbated by climate change aridification, to focusing on the best use of California's newfound and plentiful water supplies. But the state's long-term focus remains on the impacts of climate-change driven "extremes." This requires attention not only on the situation in California, but also on the Colorado River Basin due to its vital importance to southern California water demands. A long-term focus on water supply necessarily brings to the discussion the need for desalinated water.

Water rights are always of great importance to your practice. This year we focus on (1) proposed water rights legislation that would change the authority of the State Water Resources Control Board, (2) water rights litigation in the Delta, (3) water rights proceedings before the Administrative Hearing Office, and (4) tribal water rights.

Finally, no water conference this year would be complete without a detailed discussion of the many aspects of groundwater regulation in California, where the now-mature issues stemming from SGMA are very much at the fore. This full half-day discussion includes those critically over-drafted basins for which GSPs have already been deemed inadequate by DWR. Other important groundwater issues include SGMA-related adjudications and—important to the state's water supply going forward—the State Water Board's temporary permitting process for using potential floodwater for groundwater recharge.

We're also covering other timely issues of growing concern. The federal Clean Water Act and its jurisdictional reach remains a moving target, now with the Biden Administration's EPA WOTUS definition and the push-back from the federal courts. CEQA remains of vital importance in California and becoming familiar with the most recent land use-water connection issues is a must.

Our conference is designed to hone in on the issues that will most impact your water-related practice and the governance of water in the state. As an attendee, you will gain practical knowledge on the legal, policy, and technical sides of the issues from our outstanding faculty from federal and state regulatory agencies, the academic community, water supply agencies, consultants, and top water attorneys from throughout the state.

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.



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



Sam Bivins, 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:



**REGISTER TODAY!**

800-419-2741

<register@argentco.com>

Day I Overview of Key Issues

- 8:30 **Welcoming Remarks with Critical Overview and Detail** (*Sam Bivins, Esq., Downey Brand, Sacramento*)
- 8:45 **Water Supply in an Era of Climate Change and Extremes** (*Michael Anderson, Ph.D., State Climatologist, Department of Water Resources, Sacramento*)
- 9:15 **KEYNOTE PRESENTATION: Doing Multipurpose Water Project Management in this Time of Extremes** (*Ernest Conant, Regional Director, Mid-Pacific Region, U.S. Bureau of Reclamation, Sacramento*)
- 10:00 **BREAK**
- 10:15 **The Colorado River Runs Dangerously Low—What’s the Next Step?**
- **The Age of Climate Adaptation and Water Security** (*Adán Ortega, Board of Directors Chair, The Metropolitan Water District of Southern California, Los Angeles*)
  - **Federal Actions to Address Drought in the Lower Colorado Basin** (*Genevieve Johnson, Program Manager, Lower Colorado Basin Region, U.S. Bureau of Reclamation, Boulder City, NV*)
- 11:15 **Desalination to the Rescue?**
- **Lessons Learned from Recent Desalination Projects** (*Wesley Miliband, Esq., Atkinson, Andelson, Loya, Ruud & Romo, Sacramento*)
  - **Past Successes: The Santa Barbara Experience** (*Joshua Haggmark, Water Resources Manager, City of Santa Barbara Dept. of Public Works*)
- 12:15 **LUNCH**
- 1:30 **Arizona v. Navajo Nation: Tribal Water Rights at the U.S. Supreme Court** (*Miles Krieger, Esq., Best, Best & Krieger, Riverside*)
- 2:00 **The Land Use/Water Law Connection**
- **The Clean Water Act—the Scope of §404 and the US. Supreme Court** (*Boyd Hill, Esq., Jackson Tidus, Irvine*)
  - **CEQA Update: Yes, Water Practitioners Need to Know This** (*Travis Brooks, Esq., Miller Starr Regalia, Walnut Creek*)
- 3:00 **Pending Major Water Rights Proceedings—How Is the Administrative Hearing Office Working Out?** (*Holly Tokar, Esq., Downey Brand, Sacramento*)
- 3:30 **BREAK**

3:45 **Pending Water Rights Legislation to Implement Changes from the PCL Report: Changes to the Authority of the SWRCB?**

- **The Regulated Community’s Perspective on Proposed Changes to the California Water Rights System** (*Brian Poulsen, Esq., Chair, State Legislative Committee, ACWA and General Counsel to the El Dorado Irrigation District*)
- **Contemporizing California’s 19th Century Water Rights Laws to Address a 21st Century Water and Climate Crisis** (*Richard M. Frank, Director, California Environmental Law & Policy Center, School of Law, University of California, Davis*)

4:45 **The Delta—Update on the Many Litigation Matters** (*Meredith Nikkel, Esq. Downey Brand, Sacramento*)

5:15 **ADJOURN TO RECEPTION**

Day II The Sustainable Groundwater Management Act Matures

8:30 **Welcoming Remarks with Critical Overview and Detail** (*Steve Anderson, Esq., Best, Best & Krieger, Riverside*)

8:45 **Review of Updated GSPs for Critically Overdrafted San Joaquin Valley Water Basins**

- **SGMA and Agriculture: Multi-benefit Land Repurposing Program** (*Derek Hoffman, Esq. Fennemore Craig, Fresno*)
- **The SWRCB Perspective** (*Laurel Firestone, Board Member, SWRCB, Sacramento*)
- **The Local Agency Perspective** (*Eric R. Quinley, General Manager, Delano-Earlimart Irrigation District*)

10:00 **BREAK**

10:15 **Groundwater Adjudications in the SGMA Era**

- **The Agency Perspective** (*Sarah Christopher Foley, Esq., Best, Best & Krieger, Los Angeles*)
- **The Landowner Perspective** (*Russell McGlothlin, Esq., O’Melveny & Meyers, Century City*)

11:15 **Other Significant Groundwater Issues**

- **The Madera County GSP Fee Litigation** (*Michael Titus, Esq., Wild, Carter & Tipton, Fresno*)
- **Using Potential Flood Waters for Groundwater Recharge: The SWRCB’s Temporary Permitting Process** (*Laura Foglia, Ph.D., Vice President, Larry Walker Associates, Davis*)

12:15 **ADJOURN**

**Program Co-Chairs:**

**Steve Anderson** represents clients on water rights, groundwater, wetlands, in-lieu fee programs, and environmental mitigation at administrative proceedings and in civil litigation.

**Sam Bivins** focuses on water rights litigation and related environmental matters including practice under the Sustainable Groundwater Management Act (SGMA) and Endangered Species Acts.

**Program Keynote:**

**Ernest Conant** is the Regional Director, Mid-Pacific Region, of the U.S. Bureau of Reclamation where he manages one of the nation's largest and most complex water systems. Previously, he served as senior partner of Young Wooldridge, LLP, where he negotiated major water agreements and lead water banking and other storage initiatives.

**Program Faculty:**

**Michael Anderson** holds a Ph.D in hydrology and works for the DWR Division of Flood Management as the state's climatologist.

**Travis Brooks** represents private and public entity clients under CEQA, NEPA, Map Act, Planning and Zoning Law, the ESA and related matters in state and federal courts.

**Laurel Firestone** serves on the California State Water Resources Control Board which is responsible for overseeing water quality and water rights in California.

**Laura Foglia** holds a Ph.D. in hydrology and leads projects in the areas of hydrologic modelling, groundwater management assistance and managed aquifer recharge.

**Sarah Christopher Foley** works in water rights litigation and water supply planning and represents public and private sector clients on a broad range of water law and policy.

**Richard M. Frank** is a Professor of Environmental Practice, and the Director of the California Environmental Law & Policy Center,

**Joshua Haggmark** is a Professional Engineer and oversees both water and wastewater operations for the City of Santa Barbara.

**Boyd Hill** focuses on real estate and land use entitlement

matters, commercial leasing, purchase and sale, general and specific plans, use permits, variances, development fees and practice under CEQA.

**Derek Hoffman** represents clients in all water resources and natural resource-related matters in some of the state's largest and most complex groundwater basin adjudications.

**Genevieve Johnson** is a Manager and Program Analyst for the U.S. Bureau of Reclamation, Lower Colorado Basin Region.

**Miles Krieger** represents public and private sector clients in the areas of natural resources law, water rights law, land use law and water quality law, including in litigation matters.

**Russell McGlothlin** practices water resources law including the issues of water use and management, groundwater banking, water quality and SGMA.

**Wesley Miliband** is a water resources lawyer on behalf of public and private interests, focusing on securing and protecting water rights, water supplies and water transfers.

**Meredith Nikkel** represents agricultural and municipal clients in water and environmental law issues at all levels, from administrative proceedings to state and federal trials and appeals.

**Adán Ortega** is the Board of Directors Chair for the Metropolitan Water District of Southern California and is the principal of a firm which addresses public affairs and government relations.

**Brian Poulsen** serves as Chair of the State Legislative Committee at the Association of California Water Agencies and as General Counsel to a water irrigation district.

**Eric R. Quinley** serves as General Manager for an irrigation district in the Central Valley which serves over 450 landowners who mostly are agriculture based.

**Michael Titus** practices civil litigation and serves as general counsel for a large beverage distributor in the areas of real estate, agribusiness, and business transactions.

**Holly Tokar** represents public and private sector clients in water rights matters including practice under the ESA and SGMA.

**Location and Lodging:**

The site of the program is the Hilton Santa Barbara Beachfront Resort, 633 E. Cabrillo Blvd., Santa Barbara, 93103. A block of rooms has been reserved at a special negotiated rate of \$319. To register for your room at the discounted rate, [CLICK HERE](#), or call 1-805-564-4333, and ask for the "California Water Law Conference" discount. The number of rooms at this rate is limited, so make your reservations early.

**Tuition:**

Conference tuition is \$995. A discount of \$100 is available for individuals from government agencies, public interest groups, or academia, or for each attendee when two or more people from one firm or organization register together.

Tuition includes continental breakfasts, refreshment breaks, hosted conference networking reception, formatted program materials prepared by the Faculty, and a three-month subscription to the *California Water Law & Policy Reporter* (a \$240 value).



**Four Ways to Register:**

Early registration is encouraged. To register: (1) To register online, [CLICK HERE](#); (2) Mail the completed registration form on the reverse to: Argent Communications Group, PO Box 1135, Batavia, IL 60510-1135; (3) Email to <register@argenco.com>; or (4) 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 10.5 MCLE hours.

**Cancellation Policy:**

Full refunds (less a \$100 processing fee) will be made only if notice is given two weeks in advance. Substitutions are encouraged. Argent Communications Group reserves the right to cancel any program and assumes no responsibility for personal loss.

**COVID Policy:**

We leave it to individuals to choose whether or not to mask during the conference. Masks will not be mandatory at the conference.

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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:**

- \$995 per person, or
  - \$895 each for two or more from the same firm, or
  - \$895 government and nonprofit employees, or
  - \$795 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): \_\_\_\_\_

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



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**“California Water Law, Policy, and Management  
in This Time of Extremes”**

WITH A KEYNOTE PRESENTATION BY:



**Ernest Conant, Regional Director, Mid-Pacific Region  
U.S. Bureau of Reclamation**

“Multipurpose Water Project Management in this Time of Extremes”

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