

## 27th Conference Program!

April 19-20, 2012 • Hotel Nikko • San Francisco



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

# California Water Law & Policy

## California Water 2012: The Impacts of Recent Litigation and Regulation on Water Law Principles and Practice

California is facing some big issues right now. New regulatory actions suggest fundamental changes to the manner in which water quality and water supply management are regulated within the state. Various legal challenges are affecting background principles of California water law and policy long-thought as immutable. And developments dealing with the state's two largest water sources—the San Francisco Bay/Sacramento-San Joaquin Delta and Colorado River—are coming to a head.

We invite you to join us to hear from key institutional players and in-the-trenches attorneys on how these issues are playing out and how they will affect your practice. Highlights include an introductory presentation by Lester Snow of the Resources Law Group on “California’s Institutional Water Framework” which will provide a blueprint of how these crucial topics weave together, and a Keynote Presentation from Phil Isenberg, Chair of the Delta Stewardship Council.

In addition to our distinguished Faculty of experts from our network of the state's top law firms, you will gain practical insight from representatives from:

Association of California Water Agencies  
California Department of Justice  
Delta Stewardship Council  
Environmental Defense Fund  
Resource Law Group  
The Shibatani Group  
State Water Resources Control Board  
URS Corporation  
U.S. Department of the Interior

If you attend only one MCLE water law conference this year, this should be the one.

Conference Co-Chairs:

Kevin O'Brien, Esq.

Gregory K. Wilkinson, Esq.



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



Gregory K. Wilkinson, Esq.  
Best, Best & Krieger  
Riverside

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



### Conference Co-Sponsors:

Jackson | DeMarco | Tidus  
Peckenpaugh

DOWNEY | BRAND  
ATTORNEYS LLP



Brownstein | Hyatt  
Farber | Schreck

BBK | BEST BEST & KRIEGER  
ATTORNEYS AT LAW

Allen Matkins

Always in San Francisco,  
always in the Spring.

**REGISTER TODAY!**

800-419-2741

<register@argentco.com>

### Thursday, April 19

- 7:30 Registration and Continental Breakfast
- 8:30 **Opening and Introductory Remarks**  
**• Conference Overview with Critical Detail**  
 Conference co-chairs: Gala Argent; Kevin M. O'Brien; Gregory K. Wilkinson
- 9:00 **Setting the Stage: California's Institutional Water Framework**  
 Lester Snow, Director, Integrated Resource Management, Resources Law Group, Sacramento
- 10:00 BREAK
- 10:15 **Water—Where and When? Planning for Water Supply and Flood Control**  
**• Accelerated Climate Change: How a Shifting Flow Regime Is Redefining Water Governance in California**  
 Robert Shibatani, CEO & Principal Hydrologist, The Shibatani Group, Sacramento  
**• The Future of Floodplain Management in California: the Central Valley Flood Protection Plan**  
 Andrea P. Clark, Esq, Downey Brand, Sacramento  
**• The Status of Desalination Projects Statewide**  
 Jan Driscoll, Esq., Allen Matkins, San Diego  
**• The 2012 Cadiz Project: Conserving, Recovering and Storing Groundwater for Southern California**  
 Amy Steinfeld, Esq. Brownstein | Hyatt | Farber | Schreck, Santa Barbara
- 12:00 LUNCH
- 1:15 **The Endangered Species Act, Regulatory Takings and Water Flows: *Casitas Municipal Water District v. U.S***  
**• *Casitas* and the State of Takings and Water Rights**  
 Roderick E. Walston, Esq., Best, Best & Krieger, Walnut Creek  
**• *Casitas*: Right Result, (Mostly) Wrong Reasoning**  
 Tara L. Mueller, Deputy Attorney General, California Office of the Attorney General, Oakland
- 2:15 **Area-of-Origin Litigation and California's State and Federal Water Projects**  
**• Update on *Solano County Water Agency et al. v. State of California***  
 Jennifer Spaletta, Esq. Herum Crabtree, Stockton  
**• Implications of *Tehama-Colusa Canal Authority v. U.S. Department of the Interior***  
 J. Mark Atlas, Esq., Downey Brand, Sacramento
- 3:00 BREAK
- 3:15 **Prop 218 Update: How's That Moose Feeling Now?**  
 Steven P. Saxton, Esq., Downey Brand, Sacramento
- 3:45 **Quantification Settlement Agreement Developments**  
**• The Storm before the Calm...**  
 David Osias, Esq., Allen Matkins, San Diego;  
**• Or, the Calm before the Storm?**  
 Antonio Rossmann, Esq. Rossmann & Moore, San Francisco  
**• Mitigating the Decline of Air Quality Impact Mitigation at the Salton Sea**  
 Kathryn M. Casey, Esq., Jackson | DeMarco | Tidus | Peckenpugh, Irvine
- 5:00 Adjourn to Networking Reception

### Friday, April 20

- 8:30 **Overview of Day Two**  
 Gala Argent; Kevin M. O'Brien; Gregory K. Wilkinson
- 8:45 **Water Quality Permitting Issues: Expanding State and Regional Board Reach**  
**• Municipal Separate Storm Sewer System MS4 Permits and Stormwater Regulation**  
 Craig K. Beam, Esq., Jackson | DeMarco | Tidus | Peckenpugh, Westlake Village  
**• Water Reuse Developments and the "CII" Task Force Report to the SWRCB**  
 Ed Othmer, PE, CPESC, URS Corporation, La Jolla  
**• Agricultural Discharge Waivers and the Central Valley/Central Coast RWQCBs**  
 William J. Thomas, Jr., Esq., Best, Best & Krieger, Sacramento
- 10:00 BREAK
- 10:15 **Wetlands and Land Use Update**  
**• *Rapanos* Redux? The Federal and State Wetland Policy Implications of *Sackett v. EPA***  
 Scott Birkey, Esq., Cox, Castle and Nicholson, San Francisco  
**• CEQA and Water Supply: Recent Developments and Strategies for Dealing with Uncertainty**  
 Tamar C. Stein, Esq., Cox, Castle and Nicholson, Los Angeles
- 11:15 **Delta Diverters, the SWRCB and Pre-1914/Riparian Water Rights**  
**• The Implications of the *North Kern* Litigation**  
 Jeanne Zolezzi, Esq., Herum Crabtree, Stockton  
**• Does the SWRCB Have Authority over Diverters Who Claim Riparian or Pre-1914 Rights?**  
 Andrew H. Sawyer, Assistant Chief Counsel, State Water Resources Control Board, Sacramento
- 12:00 LUNCH
- 1:15 **KEYNOTE PRESENTATION: California Water Policy and the Delta: The Delta Stewardship Council**  
 Phil Isenberg, Chair, Delta Stewardship Council, Sacramento
- 1:45 **The Delta Saga Continues: Movement on Multiple Fronts**  
**• The SWRCB, Bay-Delta Flow Standards, the BDCP and Implications for Water Allocation**  
 Cynthia Koehler, California Water Legislative Director, Environmental Defense Fund, San Francisco  
**• The Structure of the Bay Delta Conservation Plan: ESA sections 7, 10/ NCCPA/NEPA/CEQA**  
 David Nawi, Senior Advisor to the Secretary, U.S. Department of the Interior, Sacramento  
**• The Role of the SWRCB Regarding the Bay-Delta**  
 Erin K.L. Mahaney, Senior Staff Counsel, State Water Resources Control Board, Sacramento  
**• Are the Bay-Delta Plans on the Right or Wrong Track?**  
 Tim Quinn, Executive Director, Association of California Water Agencies, Sacramento.
- 3:30 Q&A and Evaluations, Adjourn

### PROGRAM CO-CHAIRS:

• **Gala Argent** serves as President of Argent Communications Group, which publishes monthly practice-oriented legal Reports on water, land use, environmental and climate change law and policy. This is the 27th California Water Law & Policy conference she has co-chaired.

• **Kevin M. O'Brien** is the managing partner at Downey Brand, where he practices environmental, water, natural resources and endangered species law. He has negotiated multi-million dollar water transfer deals, has litigated major water rights cases in state and federal courts, and has obtained approval for major new water supply projects.

• **Gregory K. Wilkinson** is a partner at Best, Best & Krieger, where he practices in the areas of water rights, water quality, endangered species and environmental impact reporting. He has successfully argued before the U.S. Supreme Court for the petitioners in *Bennett v. Spear*.

### FACULTY:

• **J. Mark Atlas** assists cities, public agencies, non-profit organizations and private businesses in acquiring water, developing the infrastructure necessary for new development, and meeting the requirements of state and federal environmental regulations.

• **Craig K. Beam** represents clients in all aspects of local, state and federal land use planning including CEQA, NEPA, and Clean Water Act compliance, general plans, community plans, zoning, local coastal plans, and natural resource preservation.

• **Scott Birkey** practices in connection with the preparation of environmental review documents pursuant to NEPA, CEQA, and Section 404 of the Clean Water Act. His practice also includes advising clients regarding endangered species, wetlands and water rights law.

• **Kathryn M. Casey** represents clients before administrative agencies, boards and in litigation involving CEQA, NEPA, air quality and water-related issues, and in obtaining approvals for development projects and regarding environmental mitigation and regulatory compliance.

• **Andrea P. Clark** represents public agencies on regulatory matters related to water rights and flood control, and counsels flood control agencies on regulatory matters, contractual and financing issues.

• **Jan S. Driscoll** represents public, private and governmental entities in environmental, land use and/or water rights issues, including permitting, environmental review, negotiating with regulatory agencies, and litigation where appropriate.

• **Cynthia Koehler** works with staff members to craft strategies (legislation, regulations, litigation and policies) at the state and federal levels to reform California water laws and restore Western rivers and the San Francisco Bay-Delta ecosystem.

• **Erin Mahaney** advises the SWRCB on issues involving state and federal environmental law, water rights and administrative law. Much of her time in the past few years has been focused on Bay-Delta issues.

• **Tara L. Mueller** is a Deputy Attorney General representing the State of California and California agencies in matters relating to water rights law.

• **David Nawi** advises USDOJ Secretary Ken Salazar on matters relating to water rights and water supply in California and Nevada. He previously served as Regional Solicitor for the Department of the Interior.

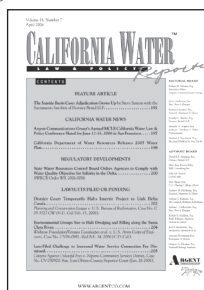
### Location and Lodging:

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 \$229. To register for your room at the discounted rate, call 800-248-3308, and ask for the "Argent California Water Law 2012" discount. Space is limited, so register by the April 2, 2012 cut-off date!

### Tuition:

Conference tuition is \$795. A discount of \$100 is available for individuals from government agencies, public interest groups, or academia; for current subscribers to *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 subscription to the *California Water Law & Policy Reporter* (a \$150 value).



• **David L. Osias** practices in a variety of water rights and water resources issues. He represents real estate developers, power plant developers, and agricultural and industrial users regarding surface appropriative and riparian rights and groundwater rights.

• **Ed Othmer** has managed a variety of large-scale storm water monitoring, research and compliance projects for Caltrans, the San Diego Unified Port District, the U.S. Navy, the U.S. Air Force and others.

• **Timothy Quinn** has worked on the Bay-Delta Conservation Plan now under development. Prior to joining ACWA, Quinn served as deputy general manager of the Metropolitan Water District of Southern California.

• **Antonio Rossmann** has practiced land use and natural resources law for more than a third of a century. He has served as counsel in leading water and land-use proceedings, including the Owens Valley groundwater war and the Mono Lake public trust litigation.

• **Andrew H. Sawyer** manages the activities of the Office of the Chief Counsel involving the State Water Resources Control Board's water rights and underground storage tank programs.

• **Steven P. Saxton** practices in the areas of litigation, water rights, administrative law, and under the ESA. He has served as lead counsel in many of California's largest cases involving water rights and flood management and liability in Northern and Central California.

• **Robert Shibatani** is a watershed hydrologist and has worked on research projects for the United Nations Educational Science and Cultural Organization, Atomic Energy of Canada, Ontario Ministry of the Environment, among many others.

• **Lester Snow** has previously served as Secretary of the California Natural Resources Agency, Director of the California Department of Water Resources, Regional Director of the U.S. Bureau of Reclamation, and Executive Director of the CALFED Bay-Delta Program.

• **Jennifer L. Spaletta** litigates commercial contract disputes, fraud, unfair competition and anti-trust claims, water and environmental law issues, and California Proposition 218 cases in state and federal courts.

• **Tamar C. Stein** represents clients with respect to all types of state, local and federal entitlements with special emphasis on Green issues, CEQA, NEPA, project permits and the Subdivision Map Act.

• **Amy Steinfeld** represents clients in a water rights issues including legal transactions, litigation, groundwater adjudications and water quality. She has represented clients in the Quantification Settlement Agreement litigation.

• **William J. Thomas, Jr.** represents agricultural business and water district interests before governmental agencies such as the state and regional water boards, the Agricultural Labor Relations Board, and the Departments of Food and Agriculture, and Fish & Game.

• **Roderick E. Walston** specializes in environmental law, natural resources, water law, and in appellate practice. Mr. Walston litigated many of California's important natural resources and environmental cases, and has argued several cases in the U.S. Supreme Court.

• **Jeanne M. Zolezzi's** practice includes counseling, administrative matters and water rights litigation. She handles state and federal litigation against the SWRCB and the U.S. Bureau of Reclamation.

### Four Ways to Register:

Early registration is encouraged. To register: (1) Call 800-419-2741; (2) Mail the completed registration form on the reverse to: Argent Communications Group, PO Box 506, Auburn, CA 95604-0506; (3) Fax the completed form to 530-852-0360; or (4) email to <register@argentco.com>. 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 April 13, 2012. Substitutions are encouraged. Argent Communications Group reserves the right to cancel any program and assumes no responsibility for personal loss.

## 27th Conference Program!

# California Water Law & Policy

April 19-20, 2012 • Hotel Nikko • San Francisco

### REGISTRATION FORM

☐ **Yes!** Please register the following:

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

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

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

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

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

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

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

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

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

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

#### TUITION:

- ☐ \$795 per person, or  
☐ \$695 each for two or more from the same firm, or  
☐ \$695 government and nonprofit employees, or  
☐ \$595 each for two or more government and nonprofit employees

#### PAYMENT METHOD:

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

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

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

Phone number (required): \_\_\_\_\_



PO Box 506  
Auburn, CA 95604

PRSRT STD  
U.S. POSTAGE  
PAID  
MSI

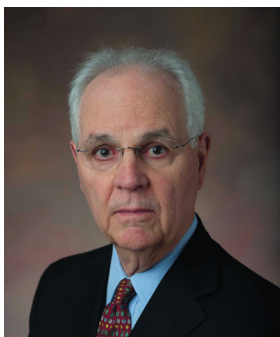
## 27th Conference Program!

# California Water Law & Policy

April 19-20, 2012 • Hotel Nikko • San Francisco

### California Water 2012: The Impacts of Recent Litigation and Regulation on Water Law Principles and Practice

#### WITH A KEYNOTE PRESENTATION BY:



Phil Isenberg, Chair  
Delta Stewardship  
Council

#### 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!**

**800-419-2741**

**<register@argentco.com>**