



The Law, Groundwater and Drought

# GROUNDWATER LAW

## San Francisco, California



Friday, May 15, 2015 - An American Ground Water Trust Conference

DoubleTree by Hilton San Francisco Airport, 835 Airport Blvd., Burlingame CA 94010-9949

8:45am to 5:00pm – Redwood / Sequoia Room - Reception 5:00pm – 6:30pm

Program organized in cooperation with  
the Environmental Law Section of the  
Bar Association of San Francisco



### 7.5 General CLE Credits for Attorneys

Brownstein Hyatt Farber Schreck LLP is the approved MCLE  
Sponsor provider for this conference by the State Bar of California

#### EVENT SPONSORS



#### BACKGROUND TO THE CONFERENCE

#### April 1<sup>st</sup> Executive Order: Statewide mandatory water restrictions - Implementation challenges

The enduring California drought gives focus to groundwater management legislation (SGMA) and an April 1<sup>st</sup> executive order to reduce use. As water scarcity persists there are increasing challenges to resolving water rights and allocation priorities. Local implementation of SGMA legislation is a work in progress statewide. The rights to use and the authority to allocate what little water there is will be fiercely contested and defended. While the drought brings “quantity” issues to the fore, resolving groundwater “quality” issues continues as a major challenge. This conference will provide perspectives from top legal and management experts about effective ways to resolve some of these critical issues.

Attendees will gain insight about legal strategies and management innovations that are likely to be relevant to communities and end-users statewide in the conflicts among competing demands for water and as solutions to contamination issues.

The target audience for this event includes attorneys, water utility and water district staff, City/County staff and Commissioners, State and Federal regulators, water engineers and consultants, academics, environmental NGOs and anyone else interested in legal issues affecting groundwater-rights, ownership, protection and use.

## CONFERENCE AGENDA

8:45 – 8:55 Introduction

### WATER DEMAND, DROUGHT, OVERDRAFT AND SUSTAINABILITY CHALLENGES

Andrew Stone, Executive Director, American Ground Water Trust, Concord, NH

8:55 – 9:25 Opening Keynote Presentation

Gordon Burns, Undersecretary, California Environmental Protection Agency, Sacramento, CA

### STATEWIDE MANDATORY WATER RESTRICTIONS: IMPLEMENTATION CHALLENGES



**Gordon Burns** was appointed by Governor Brown in December 2011. Prior to his appointment, Gordon spent most of his career in the California Attorney General's Office, where he focused on complex natural resources cases, writs, and appellate practice. From 1999 to 2006, he was a Deputy Attorney General in the Land Law Section, representing clients in cases involving regulatory takings, the California Environmental Quality Act, the restoration of the Lower Owens River, and the CALFED Bay-Delta Program. Beginning in 2006, he served as Deputy Solicitor General, supervising all of the State's civil cases in the Supreme Court. From 2010 until his appointment as Undersecretary, Gordon was an attorney at the Resources Law Group, where he led the firm's climate change, land use, and transportation program.

Gordon holds a degree in history from the University of California Los Angeles and a law degree from the University of California Hastings College of the Law.

9:25 – 10:35 Session 1

### LOCAL GROUNDWATER ORDINANCES AND OTHER MANAGEMENT ACTIONS

Session Moderator Brad Herrema

Brad Herrema, Attorney, Brownstein Hyatt Farber Schreck, Santa Barbara, CA

Christian Marsh, Partner, Downey Brand, San Francisco, CA

Sarge Green, Project Director, California Water Institute, Fresno, CA

10:35 – 10:50 BREAK

10:50 – 12:00 Session 2

### THE CHALLENGES IN IMPLEMENTING THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT

Session Moderator -Anthony Brown

**Overview of SGMA.** Sarah Foley, Best Best & Krieger LLP, Los Angeles, CA

**Technical and other challenges.** Anthony Brown, Principal Hydrologist, Aquilogic, Costa Mesa, CA

**Financial challenges.** Greg Patterson, Partner, Burke, Williams & Sorensen, Los Angeles, CA

**Legal challenges.** Jeremy Jungreis, Senior Counsel, Rutan and Tucker, Costa Mesa, CA

12:00 – 1:00 LUNCH

**1:00 – 2:10      Session 3**

**MOVES TO STREAMLINE GROUNDWATER ADJUDICATION IN CALIFORNIA**

Session Moderator Russell M. McGlothlin

Russell M. McGlothlin, Shareholder, Brownstein Hyatt Farber Schreck, Santa Barbara, CA

Ryan Bazerra, Partner, Bartkiewicz, Kronick & Shanahan, Sacramento, CA

Maurice Hall, Water Program Lead, Water Funders Initiative, Sacramento, CA

Jack Rice, Associate Counsel, California Farm Bureau Federation, Sacramento, CA

**2:10 – 3:20      Session 4**

**NEW APPROACHES TO DEALING WITH NITRATE CONTAMINATION IN CALIFORNIA**

Session Moderator Todd E. Robins

Todd E. Robins, Partner, Robins Borghei LLP, San Francisco, CA

Doug Nunneley, General Manager, Oildale Mutual Water Company, Bakersfield, CA

Chad Seidel, Corona Environmental Consultants, Denver, CO

Laurel Firestone, Co-Executive Director & Attorney at Law, Community Water Center, Sacramento, CA

**3:20 – 3:30      BREAK**

**3:30 – 4:40      Session 5**

**THE USE OF INSURANCE TO RESOLVE GROUNDWATER LITIGATION AND FUND CLEANUP**

Session Moderator John Till

John R. Till, Managing Partner, Paladin Law, Walnut Creek, CA

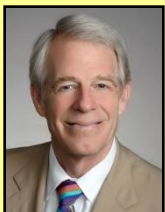
Dave O'Neill, Director of Investigations, PolicyFind, San Francisco, CA

Canaan Crouch, Vice President, Legacy Risk Solutions, LLC, Irvine, CA

**4:40 – 5:00      Closing session**

**Roger Dickinson, Shareholder, Greenberg Traurig, Sacramento, CA**

**WHY THE LEGISLATURE TOOK ACTION ON GROUNDWATER REGULATION FINALLY LAST YEAR, THE CHALLENGES THE LEGISLATION PRESENTS, AND WHAT, IN THE CONTEXT OF THE DROUGHT, DOES THE FUTURE HOLD.**



Roger Dickinson is a shareholder in Greenberg and Traurig's Government Law & Policy Practice. His focus includes offering strategic counsel on the implementation of the governance, planning, and implementation requirements of AB 1739, ground water management legislation which he authored. He represented California's 7th Assembly District, and served on Sacramento County Board of Supervisors for more than 20 years combined. He earned his J.D. from University of California at Los Angeles, School of Law and his B.A from the University of California at Berkeley. Greenberg Traurig, LLP is an international, multi-practice law firm with approximately 1800 attorneys.

5:00 - 6:30 RECEPTION

Sponsored by Brownstein Hyatt Farber Schreck

Reception presentation: **WHERE'S THE WATER? QUENCHING YOUR THIRST IN A DROUGHT**

Scott Slater, Co-Chair Natural Resources Department, BHFS, Santa Barbara, CA  
Anthony Brown, Principal Hydrologist, Aquilogic, Costa Mesa, CA



## AMERICAN GROUND WATER TRUST

(Non-profit 501(c)(3) education organization)  
Ground Water Information, Awareness & Education since 1986.



### American Ground Water Trust Programs in California

July 2013	Agoura Hills	Hydraulic Fracturing Conference (Monterey Shale Issues)
Nov 2013	Riverside	Ground Water Institute for Teachers (hosted by Western Municipal Water District)
Nov 2013	Tulare	San Joaquin Valley Groundwater Overdraft Conference
Nov 2013	Lakewood	Well & Pump Performance Workshop (techniques for cost saving and optimizing performance)
Feb 2014	Ontario	Annual Aquifer Conference in partnership with Association of Ground Water Agencies
May 2014	Fresno	Water Technology Conference (program partner with International Center for Water Technology)
May 2014	Los Angeles	Groundwater Law
Nov 2014	Modesto	Well & Pump Performance Workshop (Program for utility managers and well-field operators)
Nov 2014	Lakewood	Well & Pump Performance Workshop (Program for utility managers and well-field operators)
Feb 2015	Ontario	Annual Aquifer Conference in partnership with Association of Ground Water Agencies
May 2015	San Francisco	Groundwater Law