



# LAW SEMINARS INTERNATIONAL

*The power of information®*

*A Comprehensive Update on SGMA's Current Phase:*  
**Groundwater Sustainability Implementation in California**  
*Insights from leading legal, technical, governmental policy, and  
water resource management experts*  
**July 28 & 29, 2022**  
Live Online via Interactive Broadcast

*Agenda—Day 1*

**9:00 Introduction & Overview**

**Eric N. Robinson, Esq., Program Co-Chair**  
Kronick Moskovitz Tiedemann & Girard  
Sacramento, CA

**Wendy Y. Wang, Esq., Program Co-Chair**  
Best Best & Krieger ~ Los Angeles, CA

**9:15 Update on Groundwater Sustainability Plan (GSP) Adequacy Reviews**

Progress report from the lead state agencies and what next as we enter a period where all GSPs have been submitted and the lead agencies have come back with comments

**Amanda Pearson, Esq., Staff Attorney**  
Water Resources Control Board ~ Sacramento, CA

**Erick Soderlund, Esq., Senior Staff Counsel**  
California Department of Water Resources  
Sacramento, CA

**10:30 Break**

**10:45 Tips for Addressing Department of Water Resources (DWR) & State Water Resources Control Board (SWRCB) Comments**

Observations from reviewing state agency response letters: Overview of current best thinking for obtaining funding; meaningfully engaging stakeholders; monitoring results; setting up accountability mechanisms; and resolving conflicts without litigation

**Anona L. Dutton, PG, CHg, Vice President**  
EKI Environment & Water, Inc. ~ Burlingame, CA

Tips for identifying and addressing legal issues

**Valerie C. Kincaid, Esq.**  
O'Laughlin & Paris ~ Sacramento, CA

Tips for developing technical compliance strategies

**Amir Mani, Ph.D., PE, Senior Water Resources Engineer**  
Larry Walker Associates ~ Santa Monica, CA

Lessons from stakeholder outreach for dispute resolution from GSA responses in the Kings Subbasin and Tulare Lake Subbasin

**Cristel Tufenkjian, Director of External Affairs**

**12:15 Lunch Break**

**1:15 Public Interest NGO Areas of Concern about GSP Implementation**

Safe drinking water and equitable treatment of disadvantaged communities as areas that may not be adequately addressed by the State with respect to allocation processes and results

**Ngodoo Atume, Water Policy Analyst**  
Clean Water Action ~ Oakland, CA

**2:00 Water Rights Transfers as Part of GSP Implementation Plans**

Transfer processes; legal issues including change of use (e.g., agricultural to municipal)

**Greg Young, Co-Founder**  
Zanjero ~ Sacramento, CA

**2:45 Break**

**3:00 Sovereign-to- Sovereign Tribal Consultation During the Implementation Phase for GSPs**

Federally reserved Tribal Water Rights as senior rights, including water quantity; state agency, GSA, and Tribal perspectives on Tribal consultation to assist with GSP implementation, including DWR review; AB 52 consultation for CEQA project review

**Holly A. Roberson, Esq., Moderator**  
Kronick Moskovitz Tiedemann & Girard  
Sacramento, CA  
**Anecita Agustinez, Tribal Policy Advisor**  
California Department of Water Resources  
Sacramento, CA  
**Stephanie Zehren, Esq.**  
Hester & Zehren ~ Louisville, CO

**4:30 Adjourn Day 1**

*Agenda—Day 2*

**9:00 SGMA and Groundwater Litigation: Implications for GSP Implementation**

The legal structure for allocations and resolution of resulting disputes

**Wendy Y. Wang, Esq.,**  
*Program Co-Chair, Moderator*

Lessons Learned from Comprehensive Basin Adjudication: How do the new procedures differ from traditional water rights litigation? Why do adjudications get bogged down and how can you avoid that?

**Robert G. Kuhs, Esq.**  
LeBeau Thelen ~ Bakersfield, CA

A neutral's perspective on the difficulties in settling complex water rights cases

**The Hon. Jack Komar, Esq., (Ret.)**  
JAMS ~ San Jose, CA

Implications for litigation challenging GSPs

**Derek R. Hoffman, Esq.**  
Fennemore Dowling Aaron ~ Fresno, CA

**10:45 Break**

**11:00 Water Infrastructure Development Funding**

Federal funding opportunities: Update on Congressional appropriations and Biden Administration distribution plans; an inside the beltway perspective on prospects for additional water infrastructure funding

**Ana D. Schwab, Esq.,**  
*Director of Governmental Affairs*  
Best Best & Krieger ~ Washington, DC

Project finance: Creative funding opportunities, including public/private partnerships; tips for structuring project funding proposals to maximize chances of success; project readiness considerations

**Seth Merewitz, Esq.**  
Best Best & Krieger ~ Los Angeles, CA

**12:15 Lunch (on your own)**

**1:15 Modeling Update: Issues Arising as the Objective Shifts from Supporting GSP Development to Supporting GSP Implementation**

Monitoring, modeling, and managing subsidence under SGMA: What's working and what's not

**Abhishek Singh, Ph.D., P.E., VP - Western Region**  
INTERA Incorporated ~ Torrance, CA

Surface flow depletion and the impact on compliance with instream flow standards for maintaining habitat for fish and riparian vegetation

**Claire Kouba, P.E., Ph.D.,**  
*Postdoctoral Scholar in Hydrologic Sciences*  
University of California ~ Davis, CA

Estimating unmetered Ag-pumping using remote-sensed data and tips for managing unmetered Ag pumping

**James Fisher, Water Resources Engineer**  
Tulare Irrigation District ~ Tulare, CA

**3:00 Break**

**3:15 Lessons for Water Masters from Implementation of Existing Pre and Post SGMA Adjudications**

Overview: The types of questions and interpretation issues that come up

**Eric N. Robinson, Esq., Program Co-Chair**

An evaluation of California's adjudicated groundwater basins: Findings, including management structure and strategies in the basin and resulting overall groundwater level trends since adjudication

**Ruth Langridge, Associate Researcher**  
UC Santa Cruz CGIRS ~ Santa Cruz, CA

**4:30 Evaluations and Adjourn**

*Who Should Attend*

Attorneys, environmental, real estate and agricultural professionals, corporate managers, governmental officials, Tribal representatives, water resource managers, land-use planners, landowners, and water agency board members and managers

*About the Conference*

This year's installment in our continuing series on sustainability plan development starts with an update from DWR and SWRCB on plan adequacy reviews from agency perspectives including tips for addressing agency comments.

You also will hear about NGO concerns that the state may not adequately address but that need to be addressed to avoid litigation over plan provisions. This year's Tribal Consultation panel will focus on GSP implementation phase requirements, including consultation for CEQA project review. Water rights transfers are likely to be a part of many GSP implementation plans. You will hear expert advice on how to navigate transfer processes and address common issues, such as those arising from changes in the use of water (e.g., agricultural to municipal).

The second day starts with a litigation panel that includes the legal structure for resolving disputes, lessons from past basin adjudications, and a neutral's perspective on the difficulties in settling complex water rights cases. This year's modeling panel will focus on new issues that arise as the objective shifts from plan development to plan implementation.

Water infrastructure development funding continues to be a major issue and you'll be able to hear about federal funding opportunities and creative local strategies for project financing, including public/private partnerships.

The Conference will wrap up with a new segment focusing on water masters and the key role they will play in plan implementation.

Take a careful look at the topics and speaker credentials--they are people you'll want to hear from, and ask questions of, about solutions for the issues you face. Register soon to save your virtual seat.

~ Eric N. Robinson, Esq. of Kronick Moskowitz Tiedemann & Girard and  
Wendy Y. Wang, Esq. of Best Best & Krieger, Program Co-Chairs

### *Registration & Other Conference Information*

**Tuition:** Regular tuition for this program is \$895 with a group rate of \$805 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$670. For Tribal members, public interest NGO's, students, and people in their job for less than a year, our rate is \$447.50. All rates include admission to all program sessions and course materials.

Make checks payable to Law Seminars International.

As an added value bonus, you will receive access to audio and video recordings of the program at no extra charge.

Financial aid is available to those who qualify. Contact our office for more information.

**Substitution & Cancellation:** You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Friday, July 22, 2022. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

**Continuing Education Credit:** Live credits: Law Seminars International is a State Bar of California approved MCLE provider. This program qualifies for 12.0 California MCLE, 11.75 ABCEP environmental professional, and 11.75 AICP land use planner credits. Upon request, we will help you apply for CLE credits in other states and other types of credits.

**Time Shift Your Content:** Audio and video replay files, with course materials, are available for download or on a flash drive at the same price as live attendance. Files are available for downloading five business days after the program or from the date we receive payment. Flash drive orders are sent via First Class mail within seven business days after the program or from the date we receive payment. The course materials alone are available for \$100.

### *Faculty*

**Eric N. Robinson**, *Program Co-Chair*, is a shareholder at Kronick Moskowitz Tiedemann & Girard and is manager of the firm's Natural Resources Practice Group. He provides counsel to public and private clients on obtaining and defending water rights and water supplies and obtaining environmental compliance approvals for development projects under local, state, and federal laws.

**Wendy Y. Wang**, *Program Co-Chair*, is Of Counsel to Best Best & Krieger. She works with public and private clients on matters involving water law, SGMA, and the Endangered Species Act. This includes serving on the team of attorneys who secured a trial court judgment in the Antelope Valley Groundwater Adjudication.

**Holly A. Roberson**, *Moderator*, is a shareholder at Kronick Moskowitz Tiedemann & Girard focusing on environmental law and policy, CEQA, land use, water, climate change, and renewable energy. Prior to joining the firm, Holly served as Land Use Counsel at the California Governor's Office of Planning and Research.

**Anecita Agustinez** has served as the Tribal Policy Advisor for the California Department of Water Resources since August 2013. She provides policy support and recommendations regarding Tribal issues to the Director and Chief Deputy Director and has been actively engaged with DWR's projects and programs, assisting with Tribal consultation and development of the DWR Tribal Consultation Policy.

**Ngodoo Atume** is a Water Policy Analyst for Clean Water Action. She primarily works on the inclusion of underrepresented and vulnerable stakeholders in the implementation of the Sustainable Groundwater Management Act, Central Valley Salinity Alternative Long-Term Sustainability and the Irrigated Lands Regulatory Program.

**Anona L. Dutton, PG, CHg**, is a Vice President at EKI Environment & Water, Inc. She is deeply involved in Sustainable Groundwater Management Act implementation throughout the State, including provision of strategic and technical support for Groundwater Sustainable Agency formation and basin boundary adjustments.

**James Fisher** is a Water Resources Engineer for the Tulare Irrigation District and performs support functions for the Mid-Kaweah Groundwater Sustainability Agency. His responsibilities contribute to monitoring, planning, securing, and managing groundwater sustainably in the Kaweah Subbasin: a critically over-drafted drainage in the Central Valley, California.

**Derek R. Hoffman** is a Director in the Natural Resources practice group at Fennemore Dowling Aaron. He has represented clients in some of the largest and most complex groundwater basin adjudications in California, including the Antelope Valley, Mojave Basin Area, and the Indian Wells Valley.

**Valerie C. Kincaid** is a partner at O'Laughlin & Paris and focuses on water law, including water rights, transfers, and quality issues. She represents public irrigation districts, water districts, and water authorities on permitting enforcement, and regulatory matters at both the administrative and judicial levels.

**The Hon. Jack Komar** served for 24 years on the Santa Clara County Superior Court bench before retiring. In 2000, as the first Presiding Judge of the unified Superior Court, Judge Komar initiated a voluntary mediation program which is still employed today. He now mediates and arbitrates complex disputes at JAMS.

**Claire Kouba, P.E., Ph.D.**, is a registered California Professional Civil Engineer and a post-doctoral scholar in Hydrologic Sciences at UC Davis. She has expertise in groundwater modeling and remediation, and her research interests include water resource management, data science, and climate change adaptation.

**Robert G. Kuhs** is a partner at LeBeau Thelen. For more than 26 years, he has represented a broad range of private and public agency clients, municipal water suppliers, and some of California's largest private landowners in land use, municipal, energy, environmental, and water law.

**Ruth Langridge** is an Associate Researcher at UC Santa Cruz CGIRS. She was the lead author on two comprehensive reports for the State Water Resources Control Board that examined the scientific, legal and management elements of California's groundwater basins adjudicated prior to 2014 and all special act districts (now GSA's under SGMA), a total of 41 groundwater management areas.

**Seth Merewitz** is a partner at Best Best & Krieger and heads the firm's Public-Private Partnership practice group. His projects include residential master-planned communities, military base re-use, industrial, in-fill and mixed-use development, shopping centers and infrastructure financing.

**Amir Mani, Ph.D., PE**, is a Senior Water Resources Engineer at Larry Walker Associates. He develops technical compliance strategies for the requirements of SGMA in preparation of groundwater sustainability plans, including climate change mitigation and adaptation, future projection and scenario generation, water budget estimation and analysis, and management criteria development.

**Amanda Pearson** is a Staff Attorney for the Water Resources Control Board where she deals primarily with water rights and SGMA issues. Before joining the State Board, Amanda spent eight years in private practice at a law firm in Sacramento, where she focused on water law and the California Environmental Quality Act.

**Ana D. Schwab** is Director of Governmental Affairs at Best Best & Krieger. She has worked on the passage of land transfer legislation and amendments to a primary water and infrastructure funding mechanism. She also has worked on securing funding for innovative water and wastewater recycling.

**Abhishek Singh, Ph.D., P.E.**, is Vice President - Western Region for INTERA Incorporated. His professional experience has focused on research and application experience in the areas of groundwater and surface water modeling, planning and decision analysis, risk and uncertainty analyses, optimization techniques, and temporal/spatial statistics.

**Erick Soderlund** is Senior Staff Counsel at the California Department of Water Resources. He previously served as Assistant District Counsel for the Santa Clara Valley Water District.

**Cristel Tufenkjian** is Director of External Affairs for the Kings River Conservation District. She manages KRCD's governmental affairs and public information and outreach programs at the regional, state, and federal levels. KRCD serves as plan manager to GSAs in the Kings Subbasin and Tulare Lake Subbasin and she has first-hand experience in the methods used to respond to the State's comments and the approaches they applied to engage and inform stakeholders.

**Greg Young** is a Co-Founder of Zanjero, which bridges the gap between traditional engineering firms and traditional law firms by synthesizing legal, technical, economic, and political elements. He is a registered civil engineer with 30 years of experience in strategic water resource management and planning. His clients include local agricultural and urban water purveyors, public agencies, non-profits, and private interests.

**Stephanie Zehren**, Hester & Zehren, specializes in federal Indian law. Her work for Indian Tribes includes Tribal government development and operations, protecting Tribal sovereignty, Indian reserved water and related rights, and natural resources.