

Featuring Speakers From:

- Attorney at Law
- California Department of Water Resources
- California Natural Resources Agency
- Downey Brand LLP
- Erler & Kalinowski Inc.
- Kilpatrick Townsend & Stockton LLP
- Kronick Moskovitz Tiedemann & Girard
- Law Offices of Art Bunce
- Native American Rights Fund
- Pala Band of Mission Indians
- Procopio Cory Hargreaves & Savitch LLP
- Rincon Band of Luiseno Indians
- Sonosky Chambers Sachse Endreson & Perry LLP
- Stetson Engineers Inc
- Water Resources Engineers, Inc.

The Fifth Annual Advanced Conference on

Tribal Water Law in California

Effective Tribal participation in resolving water issues
in California

October 26 & 27, 2017

Valley Center, California

Harrah's Resort Southern California

*Live webcast and
replays available!*

Credits: 11.50 CA MCLE (call about others)

Quick when/where: 9:00 a.m., 777 Valley Center Rd.

Tribal Water Law in California Conference
October 26 & 27, 2017 | Valley Center, California
Harrah's Resort Southern California

Yes! Please register me:

Name: _____

Email: _____

What type of credits do you need? _____

For which state(s)? _____

Register my colleague:

Name: _____

Email: _____

What type of credits do you need? _____

For which state(s)? _____

Firm: _____

Address: _____

City: _____ **State:** _____ **Zip:** _____

Phone: _____ **Fax:** _____

If you cannot attend in person, check boxes to order:

- Live Homestudy Webcast Homestudy Replay
 Course Materials



8:30 Registration Opens

9:00 Introduction & Overview

Colin Cloud Hampson, Esq., Program Co-Chair
Sonosky Chambers Sachse Endreson & Perry LLP
San Diego, CA

Denise Turner Walsh, Esq., Program Co-Chair
Rincon Band of Luiseno Indians ~ Valley Center, CA

9:15 **California's Big Water Policy Driver: Update on State Implementation of the Sustainable Groundwater Management Act (SGMA) and Impact on Tribes**

Update on the Department of Water Resources (DWR) implementation activities with a focus on the areas of greatest interest to Tribes

Anecita Agustinez, Tribal Policy Advisor
California Department of Water Resources ~ Sacramento, CA

9:45 **Progress Report on Groundwater Sustainability Agency (GSA) Development of Groundwater Sustainability Plans (GSPs)**

Early stage development activities: Who is doing what? Where has development been delayed due to boundary disputes or challenges to agency formation? In what areas has Tribal participation been the most effective?

Art Bunce, Esq.
Law Offices of Art Bunce ~ Escondido, CA

10:30 Break

10:45 **Effective Tribal Participation in Development of Future GSPs**

What Tribes need to know about DWR regulations for plan contents and planning timelines; minimum thresholds; what happens if the minimum thresholds are below state standards; coordination requirements; evaluation and reporting provisions

Vera H. Nelson, P.E., Vice President
Erler & Kalinowski Inc. ~ Burlingame, CA

Processes for challenging GSPs including forums; standing; standards for review; and tips for participating in plan development with the possibility of appeal in mind

Theodore J. Griswold, Esq.
Procopio Cory Hargreaves & Savitch LLP ~ San Diego, CA

12:15 Lunch (on your own)

1:30 **Tribal Water Litigation Update**

The recent 9th Circuit decision in the Agua Caliente litigation holding that the Tribe has a right to groundwater in addition to surface water: A detailed look at the Court's holdings and reasoning; what is next in terms of procedure and substance

Catherine F. Munson, Esq.
Kilpatrick Townsend & Stockton LLP ~ Washington, DC

National overview of other state and federal cases impacting Tribal water issues

Heather Whiteman Runs Him, Esq., Staff Attorney
Native American Rights Fund ~ Boulder, CO

3:00 Break

3:15 **San Luis Rey River Water Rights Litigation: Status Report on the Settlement**

The path to settlement via an excellent video produced by On Native Ground; a detailed look at the terms of the settlement and the what is next for implementation of the agreement

Robert S. Pelcyger, Esq.
Attorney at Law ~ Boulder, CO

4:15 **National Trends in Tribal Water Rights Settlements**

Vanessa L. Ray-Hodge, Esq.
Sonosky Chambers Sachse Endreson & Perry LLP
Albuquerque, NM

5:00 **Continue the Exchange of Ideas: Reception for Faculty and Attendees**

Sponsored by the Rincon Band of Luiseno Indians and Sonosky Chambers Sachse Endreson & Perry LLP



About the Conference

LAW SEMINARS INTERNATIONAL

What previous attendees have said:

"Very well done conference with a wide scope of content and good speakers."

"Excellent speakers, experts on Indian Law/Rights."

"Interesting topics."

"Good conference, I would attend again!"

With the long-term drought and the new State groundwater law, Tribal water rights issues are growing in significance in policy debates, disputes and other matters involving water availability, conservation and regulation in California. The Tribes' Winters reserved rights, as well as State law water rights, are important to both surface water and groundwater. Because they were not quantified, Tribal water rights were often ignored until a Tribe or the United States asserted them. More recently, however, State and local governments and water agencies have begun to recognize that consideration of Tribal water rights is important for the development of effective policies for water resource protection, development and allocation.

The conference will also consider recent Tribal water rights litigation, impacts of long-term drought and effects of the 2016-2017 rainy season, and the impacts of State laws regulating groundwater on Tribal government efforts to protect and preserve their water rights and access to water sources.

Throughout we will explore ways in which Tribes, local governments and water agencies can work cooperatively to ensure an adequate and sustained supply of water for mutually beneficial uses into the future. We hope you can join us.

~ Program Co-Chairs: Colin Cloud Hampson, Esq. of Sonosky Chambers Sachse Endreson & Perry LLP and Denise Kathlene Turner Walsh, Esq. of Rincon Band of Luiseno Indians



9:00 Status Report on California's Water Infrastructure: Needs and Projects in the Works

Lessons from Orville Dam and other major infrastructure failures; the need to catch up on deferred maintenance for existing infrastructure: How big is the problem, what will it take to fund repairs, and is there the political will to make it happen?

David Sandino, Esq., Senior Staff Counsel
California Department of Water Resources ~ Sacramento, CA

9:45 Environmental Impacts of Surface Water Management

Case study of impacts of salty dust emissions from evaporation of water from the Salton Sea

Bruce Wilcox, Assistant Secretary for Salton Sea Policy
California Natural Resources Agency ~ Sacramento, CA

10:30 Break

10:45 Too Much Water Too Fast: Conjunctive Management of Ground and Surface Water in Wet Periods

Legal and technical perspectives on the options for capturing more surface water for aquifer recharge: What are the legal issues including and beyond water rights? How effectively can Tribes increase groundwater levels in preparation for the next drought?

Rebecca R.A. Smith, Esq.
Downey Brand LLP ~ Sacramento, CA

Behrooz Mortazavi, Ph.D., P.E., Principal
Water Resources Engineers, Inc. ~ Corona, CA



12:00 Lunch (on your own)

1:15 State Groundwater Management Act Boundary Modifications

Determining what you will need to prove; identifying the best available evidence and what studies you'll need to do; conflict of law issues between state and federal law; other factors to consider

Holly A. Roberson, Esq.
Kronick Moskovitz Tiedemann & Girard ~ Sacramento, CA

Case study of the San Luis Rey River groundwater basin: Technical perspective on proving your case for a boundary modification involving a sub-terrain stream

Edward Roybal, Esq., Tribal Attorney
Pala Band of Mission Indians ~ Pala, CA

Jeff Helsley, P.E., Engineering Manager
Stetson Engineers Inc ~ Covina, CA

2:30 Break

2:45 Practical Tips for Preparing for Tribal Participation in Development of GSPs and Resolving Disputes

Quantification of Tribal water rights: Selecting the most effective legal options; special issues for Tribes with little historical use compared to anticipated future use; impact of federally reserved rights vs. removal of trust status

Jeff Helsley, P.E., Engineering Manager
Stetson Engineers Inc ~ Covina, CA

Resolving groundwater rights disputes: California state processes for adjudicating disputes over basin boundaries and individual rights within basins; scope of state authority to quantify Tribal rights; tips for effective Tribal participation

Colin Cloud Hampson, Esq., Program Co-Chair

4:00 Evaluations and Adjourn



Registration & Other Conference Information

To Register:

Call us at: 206-567-4490

Fax the registration form to us at: 206-567-5058

Email us at: registrar@lawseminars.com

Online: www.lawseminars.com

Mail the registration form on the front page.

Walk-ins are welcome, subject to space availability.

Registration is complete when we receive payment or agree to later payment.

Tuition: Regular tuition for in person or webcast attendance for this program is \$895 with a group rate of \$670 each for two or more registrants from the same firm. For government employees and Tribal members, we offer a special rate of \$595. For students, people in their job for less than a year, and public interest NGO's, our rate is \$447.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Materials will be available for download and review a few days before the seminar. Make checks payable to Law Seminars International. 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, October 20, 2017. After that time, we will credit your tuition toward attendance at another program or the purchase of a webcast or audio replay.

Seminar Location: The conference will be held at the Harrah's Resort Southern California at 777 Valley Center Rd. in Valley Center, CA 92082. Call the hotel directly at (760) 751-3100 for reservations. Rooms are on a first come, first served basis.

Continuing Education Credits:

Live credits: Law Seminars International is a State Bar of California approved MCLE provider. This program qualifies for 11.50 California MCLE credits. Upon request, we will apply for, or help you apply for, CLE credits in other states and other types of credits.

Time Shift Your Content:

Webcast and audio replays, with course materials, are available for \$895. The course materials alone are available for \$100. Replays will be available within three business days after the seminar or from the date we receive payment.

Faculty: Tribal Water Law in California Conference

Colin Cloud Hampson, Program Co-Chair (Winnebago Tribe of Nebraska and the White Earth Band of Chippewa) is a Partner at Sonosky Chambers Sachse Endreson & Perry LLP. He represents Tribes and Tribal organizations on a wide range of Indian law matters.

Denise Turner Walsh, Program Co-Chair, is the first woman Attorney General of Rincon Band of Luiseno Indians, the first Tribe in the State of California to appoint an Attorney General. As the chief legal officer for the Tribe, she has focused on development of the Tribe's legal infrastructure to assert and protect the Tribe's sovereignty and right to self-government.

Anecita Agustinez, a Tribal citizen of the Dine (Navajo) Nation, is Tribal Policy Advisor for The California Department of Water Resources. She previously served as the Native American Liaison and Manager of the Office of Legislative and External Affairs and the Office of Health Access at the Department of Health Care Services.

Art Bunce, Law Offices of Art Bunce, is a leading advocate for Tribal interests in California regarding sustainable groundwater management. He wrote the Tribal protective language in the Sustainable Groundwater Management Act.

Theodore J. Griswold is Chair of the Native American team at Procopio Cory Hargreaves & Savitch LLP. He has counseled clients on Native American governance, intergovernmental agreements, natural and cultural resources, wetlands, habitat, environmental and land use matters.

Jeff Helsley, P.E., Engineering Manager at Stetson Engineers Inc., has extensive experience with water agency management and in providing support services to water agencies. He has developed and been responsible for implementation of programs to enhance groundwater recharge, improve groundwater basin management, and protect groundwater quality. He represents the San

Luis Rey Settlement Parties on the Operation, Maintenance, and Repair Committees for both the



All-American Canal Lining Project and the Coachella Canal Lining Project.

Behrooz Mortazavi, Ph.D., P.E. is a Principal, Water Resources Engineers Inc. He assisted Eastern Municipal Water District (EMWD) in securing groundwater water rights after an Indian Water Rights Settlement; initiated an Integrated Resources Plan; designed and implemented an integrated recharge and recovery program to mitigate groundwater overdraft; and maximized the use of recycled water to meet agricultural, environmental habitat, and municipal irrigation demands.

Catherine F. Munson is co-leader of the Native American Affairs practice at Kilpatrick Townsend & Stockton LLP. She has extensive litigation experience, representing tribal clients in complex cases before the Court of Federal Claims, federal district courts, federal appellate courts, the United States Supreme Court and administrative agencies.

Vera H. Nelson, P.E., is Vice President at Erler & Kalinowski Inc. She performs hydrogeological studies and remedial investigations; manages implementation of soil and groundwater remedial actions; and provides litigation support services.

Robert S. Pelcyger, Attorney at Law, was one of the attorneys who started the Native American Rights Fund in 1970. His clients have included the Pyramid Lake Paiute Tribe, the Crow Tribe, the Northern Arapahoe Tribe, the Rincon Band of Mission Indians and the San Luis Rey Indian Water Authority.

Vanessa L. Ray-Hodge (Pueblo of Acoma) is a partner at Sonosky, Chambers Sachse Endreson & Perry LLP where she focuses in water

rights, energy, and economic development issues.

Holly A. Roberson served as Land Use Counsel at the Governor's Office of Planning and Research (OPR) before joining Kronick Moskovitz Tiedemann & Girard. At OPR, she worked on Tribal cultural resources; the California Environmental Quality Act (CEQA), drought issues, and the Sustainable Groundwater Management Act.

Edward Roybal is the Tribal Attorney for the Pala Band of Mission Indians.

David Sandino served as Chief Counsel for the California Department of Water Resources from 2006-2010 under an appointment by Governor Schwarzenegger and currently serves as Senior Staff Counsel. He has worked on significant water, environmental, Tribal, and energy issues during his twenty-year career with the Department.

Rebecca R. A. Smith, Downey Brand LLP, counsels public and private sector clients on water rights, water supply, land use and development, and environmental compliance with a focus on the agricultural sector.

Heather Whiteman Runs Him is a staff attorney at the Native American Rights Fund where she focuses on Tribal water rights and natural resource issues. She previously served as Joint Lead Counsel for the Crow Tribe of Montana.

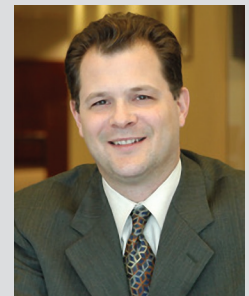
Bruce Wilcox is The Assistant Secretary at Salton Sea Policy, California Department of Natural Resources. He is part of the committee developing a Salton Sea restoration plan. He also managed the development of the Salton Sea Restoration and Renewable Energy Initiative program.

October 26 & 27, 2017
 Valley Center, California

Harrah's Resort
Southern California
 777 Valley Center Rd.
 (760) 751-3100

Who Should Attend:
Attorneys, Tribal, local, state and federal governmental representatives, environmental professionals, business executives, water users and their representatives

Our Co-Chairs:



Colin Cloud Hampson, Esq.
 Sonosky Chambers Sachse Endreson & Perry LLP



Denise Kathlene Turner Walsh, Esq.
 Rincon Band of Luiseno Indians

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