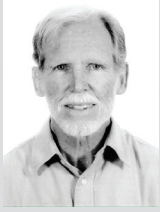


Program Co-Chairs:



Stephen V. Quesenberry, Esq.
Hobbs, Straus, Dean & Walker, LLP



Mark St. Angelo, Esq.
Morongo Band of Mission Indians

Who Should Attend:

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

The Second Annual Advanced Conference on

Tribal Water in California

New legal and policy developments, sovereignty, settlements, resources and opportunities

March 17 & 18, 2014

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8:00 Registration Opens

8:30 Introduction and Overview

Stephen V. Quesenberry, Esq., Program Co-Chair
Hobbs, Straus, Dean & Walker, LLP ~ Berkeley, CA

Mark St. Angelo, Esq., Program Co-Chair, Tribal Attorney
Morongo Band of Mission Indians ~ Banning, CA

8:45 Optional Tribal Water Law 101: The Basics of Indian Reserved Water Rights

Winters and the Tribal reserved rights doctrine; water rights on executive order reservations; the McCarran Amendment; Indian allotments

Thomas E. Luebben, Esq.
Law Offices of Thomas E. Luebben PC ~ Sandia Park, NM

Current trends with respect to Indian reserved rights and Congressionally-approved water rights settlements

Ryan A. Smith, Esq.
Brownstein Hyatt Farber Schreck, LLP ~ Washington, DC

9:45 Special Address: BIA Water Rights Update

BIA perspective: Pacific Region priorities in terms of quantification of Indian rights and off reservation allotments; special issues in California; what to expect in terms of funding levels; BIA operational structure

Doug Garcia, Water Rights Specialist, Pacific Region
U.S. Department of the Interior, Bureau of Indian Affairs
Sacramento, CA

Secretary's Indian Water Rights Office perspective

Fain Gildea, Deputy Director
U.S. Department of the Interior
Secretary's Indian Water Rights Office ~ Washington, DC

10:45 Break

11:00 Tribal Groundwater Rights in California

The connection between surface water and groundwater in water-scarce areas, such as Southern California

Sam Cohen, Esq., Government Affairs Officer, General Counsel
Santa Ynez Band of Chumash Indians ~ Santa Ynez, CA

Groundwater or Subsurface Stream Flow: Legal implications for the Tribal water user

James Reilly, P.E., Water Resources Engineer
Stetson Engineers Inc. ~ San Rafeal, CA

12:00 Lunch (on your own)

1:15 Case Studies of Recent and Attempted Settlements of Disputes Over Tribal Water Rights: The Importance of Unique Historical and Physical Characteristics

Pechanga Band of Luiseño Indians Water Rights Settlement Act (2013 HR 2508/S 1219): Update on progress in the Congress and what it suggests about the current congressional climate

Andrew Masiel, Sr., Councilman
Pechanga Band of Luiseño Indians ~ Temecula, CA

The Tule River Tribe Water Development Act of 2009 (S. 789): Issues that can arise when infrastructure development is a component of a settlement proposal

Alec Garfield, Chairman, Water Rights Negotiating Team
Charmaine McDarment, Esq., General Counsel
Tule River Indian Tribe ~ Porterville, CA

San Luis Rey Indian Water Rights Settlement Act of 1988: The administration's more active role in scrutinizing settlements; Federal trust responsibility

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

3:15 Break

3:30 Rural Water Programs and Ecosystem Restoration Developments

U.S. Bureau of Reclamation programs and other activities to assist Tribes with water rights, ecosystem restoration and rural water projects; recent and pending cases involving streamflows

Stuart L. Somach, Esq.
Somach Simmons & Dunn ~ Sacramento, CA

Eel River Dam decommissioning: Case study of the initial efforts by the Round Valley Tribes and NCAI to have the dams decommissioned

Scott Williams, Esq.
Berkey Williams, LLP ~ Berkeley, CA

4:30 Update on the Lower Colorado River Basin Water Dispute

Mason D. Morisset, Esq.
Morisset, Schlosser, Jozwiak & Somerville ~ Seattle, WA

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

Sponsored by Hobbs, Straus, Dean & Walker, LLP, Morongo Band of Mission Indians and Sonosky, Chambers, Sachse, Endreson & Perry, LLP



About the Conference

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Tribal water rights have become an increasingly important issue in California at both the local and state level. This is especially so in water-scarce areas of California where Tribes' Winters Doctrine reserved rights, as well as water rights protected under state law, come into play. Tribal reserved water rights with early priority dates have been at the forefront in a number of federal and state licensing and resource allocation proceedings in which Tribal fishing rights dependent on adequate stream flows for their exercise are involved (as in the Klamath, Trinity and Eel River basins). Because many of these Tribal water rights have been unquantified, the past approach has often been to simply ignore them until a Tribe or the United States actively asserts the Tribe's rights. More recently, state and local governments and water agencies have begun to recognize that consideration of Tribal water rights is essential to the development of effective policies for water resource protection, development and allocation in many areas of California.

This comprehensive conference will present an overview of the federal and California law governing Tribal water rights, with specific attention to the interplay of those rights and the challenges facing all water users in California. In this regard, the conference will highlight the findings of recent hydrologic modeling studies documenting depletion of underground water reserves in California, the policy development initiatives being considered in response, and why consideration of Indian water rights is critical to the success of these initiatives. The conference will also build on last year's discussion of alternatives for Tribes to consider in the use and development of their water rights, whether arising under federal or state law, including recommendations for changes in state law or policy that would enable Tribes to have an appropriate role in local water planning decisions. Finally, the conference will provide an update of recent Indian water rights settlements, and will examine the significant interplay between energy and water policy in terms of water consumption and potential water contamination. Throughout the conference, 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.

~ Program Co-Chairs: Stephen V. Quesenberry, Esq. of Hobbs, Straus, Dean & Walker, LLP and Mark St. Angelo, Esq. of Morongo Band of Mission Indians



8:30 Issues at the Intersection of California State Water Law Initiatives and Tribal Water Rights

Issues arising under the California Marine Life Protection Act: Update on Marine Protected Areas (MPAs) planning processes and results; practical tips for minimizing adverse impacts on Tribal fishing and shellfish gathering

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

Conflicts between consumptive water use and minimum stream flow requirements: Lessons from recent cases on how Tribes can advantageously use the Federal Power Act

Thomas P. Schlosser, Esq.
Morisset, Schlosser, Jozwiak & Somerville ~ Seattle, WA

Conjunctive management programs: Update on recent developments relating to conjunctive water management planning; funding for groundwater recharge and storage, feasibility studies, and construction activities through grant and loan programs

Mark St. Angelo, Esq., Program Co-Chair, Tribal Attorney

Update on the Tribal Advisory Committee's continuing work to ensure Tribal perspectives on land, water and culture

Alex Cleghorn, Esq.
Attorney at Law ~ Oakland, CA

10:30 Break

10:45 New Developments Arising from Consumption of Water by New Energy Projects: What is the Interplay Between Energy Policy and Water Policy?

Lessons learned on the use of water in hydraulic fracturing technologies for oil and gas development

K. Eric Adair, Esq.
Hinson Gravelle & Adair LLP ~ Valencia, CA

Policy considerations arising from new energy projects in the desert: Issues necessarily arising from the water/energy nexus; important policy considerations during project approval; consequences of policy compliance

Jason M. Ackerman, Esq.
Best Best & Krieger LLP ~ Riverside, CA

12:00 Lunch (on your own)

1:15 Legal and Technical Considerations for Addressing Off-Reservation Pumping and Recharge That Affects the Quality of Tribal Water

Overview of the legal and technical issues in this type of litigation: Up sides and down sides; why the outcomes could be of interest to Tribes in adjacent basins not directly involved

Stephen V. Quesenberry, Esq., Program Co-Chair
Perspectives and impacts of off-reservation water uses on Tribal water rights

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

2:45 Evaluations and Adjourn

Upcoming Seminars:

SEPA & NEPA	January 10, 2014	Seattle, WA
Buying & Selling Electric Power in the West	January 13-14, 2014	Seattle, WA
Transmission in the Northeast	January 23-24, 2014	Boston, MA
Cybersecurity Law and Strategies	January 27-28, 2014	Seattle, WA
Deployment of Wireless Telecommunications Facilities	February 3-4, 2014	Los Angeles, CA
Natural Resource Damages	February 6-7, 2014	Washington, DC
Tribal Energy Development in the Great Lakes	February 20-21, 2014	Milwaukee, WI
Electric Utility Rate Cases	February 27-28, 2014	Las Vegas, NV
Best Practices in Patent Monetization	March 6-7, 2014	San Francisco, CA

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Tuition: Regular tuition for this program is \$895 with a group rate of \$670 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$595. For Tribes, we offer half price, which is \$447.50. For students and people in their job for less than a year, our rate is \$447.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

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

Tuesday, March 11, 2014. After that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

Seminar Location: The conference will be held at the Morongo Casino Resort & Spa at 4950 Seminole Drive in Cabazon, CA 92230. Call the hotel directly at (951) 849-3080 for reservations at the special negotiated rate of \$105 and mention that you are attending a Law Seminars International conference. Rooms are on a first come, first served basis.

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Faculty: Tribal Water in California Conference

Stephen V. Quesenberry, *Program Co-Chair*, partner at Hobbs, Straus, Dean & Walker, LLP, has represented Tribes and individual Indians on a range of issues. Previously, he was Director of Litigation for California Indian Legal Services.

Mark St. Angelo, *Program Co-Chair*, in-house Tribal Attorney, Morongo Band of Mission Indians, provides legal advice in connection with Tribal government, including the Tribe's Water Department. He also provides advice on contracts, commercial enterprises, business relationships and investments.

Doug Garcia, *Special Address*, Water Rights Specialist, Pacific Region, U.S. Department of the Interior, Bureau of Indian Affairs, is responsible for water resources and rights program administration. He assists Tribal governments in protecting water resources for instream flows for fisheries, ground water management protection and quantification of water rights.

Fain Gildea, *Special Address*, is Deputy Director for the U.S. Department of the Interior, Secretary's Indian Water Rights Office. Their mission is to manage, negotiate, and oversee implementation of settlements of Indian water rights claims.

Jason M. Ackerman, partner at Best Best & Krieger LLP, assists clients in complying with state and federal environmental laws, including the Endangered Species Act, the National Environmental Policy Act, the Federal Land Policy and Management Act, and the California Environmental Quality Act.

K. Eric Adair, partner at Hinson Gravelle & Adair LLP, focuses on legal and environmental issues related to the oil and gas well stimulation technique known as hydraulic fracturing and represents clients at the trial and appellate levels before both state and federal courts.

Alex Cleghorn, Attorney at Law, serves as Special and General Counsel to Indian Tribes, drafts governance documents, assists with Tribal court and law enforcement development and provides legal counsel on Tribal jurisdiction; gov-

ernment-to-government relationships; Tribal sovereignty; taxation and economic development.

Sam Cohen, Government Affairs Officer and General Counsel, for the Santa Ynez Band of Chumash Indians, has been representing California and other Tribal governments since 1996, and is a frequent contributor on gaming and fee-to-trust issues for Indian Gaming Magazine and other publications.

Alec Garfield, is Chairman of the Water Rights Negotiating Team for the Tule River Indian Tribe. He holds the longest tenure for a Tribal chairman and is an active member of groups and organizations in the Porterville Community.

Colin Cloud Hampson, partner with Sonosky, Chambers, Sachse, Endreson & Perry, LLP, focuses on Indian gaming, environmental, water, tax and general counsel matters. He has represented Tribes in federal, Tribal and state courts, before federal agencies and in water adjudications.

Thomas E. Luebben, Law Offices of Thomas E. Luebben PC, focuses on Federal Indian Law, Native American rights, Native American Tribal representation and Environmental and Natural Resources Law. He is also the Director of Litigation for the Native Lands Institute of Albuquerque, NM.

Andrew Masiel, Sr., Councilman to the Pechanga Band of Luiseño Indians, is experienced in Tribal economic development and financing for Tribal government projects. Previously, he worked as Tribal Administrator to the Soboba Band of Luiseño Indians and the Pauma Band of Mission Indians.

Charmaine McDarment, General Counsel for the Tule River Indian Tribe, is responsible for providing legal advice to the Tribal Council concerning Tribal, state and federal law issues. She also represents the Tribe in inter-Tribal organizations.

Mason D. Morisset, Director at Morisset, Schlosser, Jozwiak & Somerville, is responsible for Indian treaty and water rights litigation

including successful arguments before the U.S. Supreme Court, the Washington and California Supreme Courts and the FERC.

Robert S. Pelcyger, Attorney at Law, practices Indian law, with emphasis on Tribal sovereignty, water and other natural resource issues.

James Reilly, P.E., is a Water Resources Engineer for Stetson Engineers Inc. and consults for Indian Tribes on water rights and water resources projects, from planning and design through implementation.

Thomas P. Schlosser, Director, Morisset, Schlosser, Jozwiak & Somerville, specializes in federal litigation, natural resource and Indian Tribal property issues, Tribal economic development and environmental regulation matters. He was an officer and founding member of the Indian Law Section of the Washington State Bar Association.

Ryan A. Smith, of counsel, Brownstein Hyatt Farber Schreck, LLP, focuses on water law, natural resources litigation, endangered species law, Indian law and government relations. Previously, he was a senior legislative advisor to U.S. Senate Minority Whip, Jon Kyl.

Stuart L. Somach, shareholder, Somach Simmons & Dunn, concentrates on water rights, water quality, federal reclamation law, toxics, natural resources, environmental law, civil litigation before federal and state courts, and negotiating federal legislative issues.

Heather Whiteman Runs Him, Staff Attorney at the Native American Rights Fund, focuses on Tribal water rights and natural resource issues. Previously, she served as Joint Lead Counsel for the Crow Tribe of Montana.

Scott Williams, partner at Berkey Williams, LLP, represents Indian Tribes and Tribal organizations in litigation and provides ongoing advice and consultation on water rights and natural resources, cultural site protection, employment and personnel issues, and governmental and corporate affairs.

March 17 & 18, 2014

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You Will Learn About:

- *Tribal water law 101: The basics of Indian reserved water rights*
- *BIA Water Rights Updates*
- *Tribal groundwater rights in California*
- *Case studies of recent and attempted settlements of disputes over Tribal water rights: The importance of unique historical and physical characteristics*
- *Rural water programs and ecosystem restoration developments*
- *Updates on the lower Colorado River Basin water dispute*
- *Issues at the intersection of California state water law initiatives and Tribal water rights*
- *New developments arising from consumption of water by new energy projects: What is the interplay between energy policy and water policy?*
- *Legal and technical considerations for addressing off-reservation pumping and recharge that affects the quality of Tribal water*

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