



**Eric N. Robinson**  
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## **Eric N. Robinson**

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Mr. Robinson, a Shareholder in the firm, represents public and private sector clients in the field of natural resources and environmental law. He provides counsel on obtaining and defending water rights and water supplies, obtaining environmental compliance approvals for development projects under local, state, and federal laws, and litigates in state and federal courts.

### **Legal Experience**

Mr. Robinson represents water supply agencies, private landowners, counties, cities, and not-for-profit organizations in a range of areas, including:

- Counsel to obtain and protect rights to use surface water and groundwater
- Complete due diligence assessments of water rights for real property acquisitions or other investment opportunities
- Counsel concerning assessment and verification of water supplies for new real estate development projects under SB 610/221
- Counsel to prepare and defend Urban Water Management Plans, updates and amendments that carry out new water conservation mandates imposed by SB 7
- Compliance with the California Environmental Quality Act (CEQA)
- Compliance with the National Environmental Policy Act (NEPA)
- Compliance with the Endangered Species Act (ESA)
- Compliance with the Clean Water Act (CWA)
- Compliance with Fish and Game Code provisions governing water supply facilities, including Streambed Alteration Agreement program and sections 5901 and 5937
- Litigation defending and bringing CEQA, NEPA, ESA, and Fish and Game Code compliance challenges
- Litigation defending groundwater pumping rights
- Representation before State Water Resources Control Board, Department of Fish and Game, National Oceanic and Atmospheric Administration – Fisheries, U.S. Fish and Wildlife Service, and other local, state and federal regulatory agencies.

### **Practice Examples**

- Mr. Robinson recently assessed Colorado River water rights to support due diligence review for proposed real property acquisition.
- Mr. Robinson served as special water counsel in connection with SB 610 and CEQA review for the successful approval of a 16,000-unit master planned community in the San Joaquin Valley.
- Mr. Robinson represented a private landowner in a trial adjudicating rights to groundwater in a California coastal basin and is participating in watermaster proceedings to manage that basin.
- Mr. Robinson advises public water supply agency clients in assessing the sufficiency of their water supplies to sustain new development projects pursuant to SB 610/221.

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- Mr. Robinson is assisting a range of real estate development projects in securing and demonstrating long-term water supplies pursuant to SB 610, CEQA and SB 221.
- Mr. Robinson successfully defended a city in trial court and appellate CEQA litigation challenging approval of a regional shopping mall.
- Mr. Robinson defended a California water supply agency against a \$200 million inverse condemnation lawsuit arising from the reoperation of water supply reservoirs to prevent seawater intrusion from destroying a regional groundwater supply.
- Mr. Robinson represented the State Water Project (SWP) contractors against litigation challenging the CALFED program to restore the Bay-Delta estuary and statewide water supplies.
- Mr. Robinson is representing SWP contractors on CEQA compliance issues arising from litigation against the Monterey Amendments to SWP water service contracts.
- Mr. Robinson represented Central Valley Project (CVP) water contractors in federal litigation challenging the United States Department of the Interior's compliance with NEPA, the ESA and Reclamation Law for actions changing the operation of the CVP's Trinity River Division.
- Mr. Robinson is defending private landowners against a lawsuit challenging their diversion and use of water under Fish and Game Codes sections 5901 and 5937.
- Mr. Robinson successfully resolved an Endangered Species Act enforcement action and negotiated the terms of local, state and federal approvals for a steelhead habitat enhancement project on a California steelhead stream.

## Professional Activities & Affiliations

Mr. Robinson speaks frequently on water related issues for a variety of educational and professional organizations. Some of his past presentations include:

- Moderator, "Water Marketing: Opportunities for Self Help to Supplement Regional and Local Supplies," Association of California Water Agencies, September 2011
- Moderator, "Managing California's Water: From Conflict to Reconciliation," State Bar Real Property Section, April 2011
- Speaker, "Water Rights Transfers - Creative Solutions," Water Education Foundation 28th Annual Executive Briefing, March 2011
- Moderator, "Environmental Plaintiffs Pursue Statewide Groundwater Regulations Under Public Trust Doctrine," State Bar Real Property Section, March 2011
- Speaker, "California Water Laws and Regulations: Current Issues with Urban Water Management Plans," HalfMoon Seminars, February 2011
- Speaker, "California's Water Supply & Land-use Planning Laws: Making Water Supply Real," 2011 California Water Law Symposium, January 2011
- Speaker, "Sonoma Co. Water Coalition v. Sonoma Co. Water Agency: Implications for Urban Water Management Planning," Telebriefing-Law Seminars International, November 2010
- Speaker, "Avoid the Pitfalls: Navigating Through Urban Water Management Planning," re: "The Linkage Between Urban Water Management Plan Defensibility and SB 610 Water Supply Assessment Review," ACWA Region 8, October 2010

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- Speaker, “Wines Vines and Property Lines,” re: “The Growing Impact of Water Availability on Property Development--Building Water Supply Sustainability into Development Projects, KMTG--San Luis Obispo, October 2010
- Speaker, “Water and Land Use in California after Save Tara,” CLE International Land-use Conference, September 2010
- Moderator and speaker, “Preparing Legally Defensible Urban Water Management Plans That Implement SB 7’s Statewide Conservation Mandate,” Association of California Water Agencies (“ACWA”), May 2010
- Moderator and speaker, “Preparing A Legally Defensible Urban Water Management Plan Update In An Era Of Water Supply Uncertainty,” Association of California Water Agencies (“ACWA”), December 2009
- Moderator, “Show Me the Water! Tools to Help Water Agencies, Land-use Agencies and Development Projects Navigate California’s Deepening Regulatory Drought,” ACWA, May 2009
- Speaker, “Show Me the Water! Tools to Help Cities Navigate California’s Deepening Regulatory Drought,” League of California Cities Annual Conference, Sept. 2008
- Speaker, “Ten Years of Water Supply and Land Use Litigation: What Have We Learned?,” ACWA, May 2008
- Speaker, “Show Me the Water! How the Regulatory Drought & California’s Water & Planning Laws Demand New Partnerships Among Land Developers, Water Agencies & Land-use Agencies,” State Bar Real Property Section 27th Annual Retreat, May 2008
- Speaker with State Senator Joe Simitian, “Water Management in a Changing Climate,” San Mateo County 39th Annual Progress Seminar, April 2008
- Speaker, “The Takings Clause and Government Liability for Regulatory Reallocation of Water Supplies,” CLE International, April 2007 (San Francisco)
- Moderator and speaker, Water for Development: Demonstrating Long-term Water Supplies for Real Estate Development Projects, Lorman Education Services, Oct. 2005
- Speaker, Water for Development, Sacramento County Bar Association, Real Property Section, Oct. 2005
- Speaker, Advanced Land Use Planning, Lorman Education Services, January 2005
- Moderator, Effective Management of Groundwater Resources, McGeorge School of Law Symposium on the 25<sup>th</sup> Anniversary of the Report of the Governor’s Commission to Review California Water Rights Law, Nov. 2004
- Speaker, California Water Banking and Water Transfers, Lorman Education Services, March 2004, Oct. 2004

His other professional activities and affiliations include:

- *Northern California Super Lawyer* (2009, 2010, 2011)
- Co-chair, Natural Resources subsection of the Real Property section of the California State Bar Association
- Member, Sacramento County Bar Association
- Member, American Bar Association

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## Publications

- Author, "Supreme Court Clarifies Rules Governing CEQA Review of Water Supplies for Real Estate Development," *California Real Property Journal*, an official publication of the Real Property Law Section of the State Bar of California, Vol. 25, No. 1
- Author, "Damages Determined for Giving Farmers' Water to Fish," *California Real Property Journal*, an official publication of the Real Property Law Section of the State Bar of California, Vol. 22, No. 3
- Author, "Claims Court Rules that Giving Farmers' Water to Fish Requires Just Compensation," *California Real Property Journal*, an official publication of the Real Property Law Section of the State Bar of California, Vol. 19, No. 3/4
- Author, "Takings Law: When Does a Regulation Leave a Property Owner with No Economically Viable Use," *Public Law Journal*, Summer 2000
- Author, "Nevada Land Claims Raised in U.S. v. Nye County Litigation," *Conference of Western Attorneys General Reporter*, Fall 1995

## Reported Decisions

- *Sonoma County Water Coalition v. Sonoma County Water Agency*, 189 Cal.App.4th 33 (2010)
- *O.W.L. Foundation v. City of Rohnert Park*, 168 Cal.App.4th 568 (2008)
- *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings*, 43 Cal.4th 1143 (2008)
- *California Water Impact Network v. Newhall County Water District*, 161 Cal.App.4th 1464 (2008)
- *Westlands Water District, et al. v. U.S. Department of the Interior*, 275 F. Supp. 2d 1157 (E.D. Cal. 2002), reversed in part by *Westlands Water District v. U.S. Department of the Interior*, 376 F. 3d 853 (9<sup>th</sup> Cir. 2004)
- *Jahr v. Casebeer*, 70 Cal. App. 4<sup>th</sup> 1250 (1999)

## Academic Background

B.S. Northwestern University, Medill School of Journalism, Chicago, 1989

J.D. University of California, Davis, 1997

- Received American Jurisprudence Award
- Member, International Environmental Moot Court Competition National Team
- Teaching Assistant, Legal Research and Legal Writing courses