



Austin C. Cho Counsel

621 Capitol Mall | 18th Floor
Sacramento, CA 95814

916.520.5212 | Direct
acho@downeybrand.com

Practice Areas

CEQA / NEPA | Endangered Species | Flood Protection Law |
Groundwater Law | Public Trust Doctrine | Regulatory Law & Business
Permitting | Sustainable Groundwater Management Act (SGMA) | Water
Law | Water Rights Litigation

When facing complex water rights issues, clients look to Austin Cho for his shrewd analysis and creative solutions.

Austin assists public agencies and private clients in a variety of matters, including surface and groundwater rights concerns, environmental permitting, and project development and financing. Austin regularly advises on Proposition 218 compliance, the Sustainable Groundwater Management Act (SGMA), and the California Environmental Quality Act (CEQA). Utilizing his expertise and resourcefulness, Austin helps clients successfully navigate the regulatory world to achieve their goals.

Experience

- Provides water rights advice and other assistance to public and private entities, including the assessment of claimed groundwater, riparian, appropriative, and pre-1914 water rights.
- Counsels public agencies regarding compliance with transparency requirements of the Brown Act, and conflict of interest considerations under the Political Reform Act and Government Code section 1090.
- Covers board meetings and assists with the preparation and review of ordinances, resolutions, financing vehicles, and election materials in a general counsel capacity for local agency clients.
- Manages evidentiary records in complex administrative and legal proceedings.
- Provides guidance on the complexities of developing common law including the California Public Trust and Area of Origin doctrines.
- Facilitates project approvals with state and federal permitting bodies and ensures compliance with environmental laws including CEQA, NEPA, and the Endangered Species Act.
- Advised on the formation of Groundwater Sustainability Agencies and assists with the development of Groundwater Sustainability Plans and Alternative Plans in compliance with SGMA.
- Drafted and submitted legal briefs to appellate courts and the California Supreme Court.

- Conducted discovery, prepared motions, and assisted with briefing in complex groundwater rights litigation.
- Achieved beneficial outcomes before the SWRCB, including temporary urgency permits to appropriate water outside of the permitted season, a small domestic use registration for a pond with capacity greater than 10 acre-feet, and a workable settlement of an administrative enforcement action.
- Facilitated the necessary covenants and agreements for the construction and operation of flood control facilities in the Delta.
- Prepared testimony, exhibits, and descriptions of the appropriative and riparian water rights of dozens of clients in the California WaterFix change petition hearing before the SWRCB.
- Produced a comprehensive primer on the permitting and licensing standards for the distribution of drinking water from a private spring.
- Counseled a public agency client on strategy relating to an upstream diverter's petition for assignment of high-priority state-filed applications; drafted request to the State Water Board for Release from priority in favor of client's license.

Professional & Community Service

- Water Education Foundation Water Leaders Fellowship, Class of 2022
- California Special Districts Association, 2021-present
- Sacramento County Bar Association, Environmental Law Section
- California Lawyers Association, Environmental Law Section
- *California Water Law & Policy Reporter*, Contributing Author

Education

- J.D., University of California at Davis School of Law, 2015
- B.A., University of California at Santa Barbara, 2006

Honors & Rankings

- Best Lawyers in America[®], Ones to Watch, Natural Resources Law, 2024
- Order of the Coif
- Phi Kappa Phi Honor Society
- Jun Aoki Book Award, 2015
- Finalist, CEB Annual Award for Excellence in Legal Research and Writing, 2013
- Witkin Award for Academic Excellence in Legal Research and Writing, 2013

Speaking Engagements / Events

- *SGMA and Groundwater Comprehensive Update: Basin Boundaries, Sustainability Agencies and Plans, and Streamlined Adjudications*, County Counsels' Association of California Fall 2023 Land Use Study Section Meeting, December 1, 2023
- *2023 Water Law Institute*, The Foundation for Natural Resources and Energy Law, November 2-3, 2023
- *Ethics Training (AB 1234)*, Presenter, ACWA Spring Conference, May 11, 2023
- *Ethics Training (AB 1234)*, Speakers, 2022 ACWA Spring Conference & Exhibition, May 5, 2022
- *AB 1234 Ethics Training*, Presenter, ACWA 2021 Fall Conference, December 2, 2021
- *Riverflow and Instream Rights: Professor Paul Kibel in Conversation with Professor Karrigan Bork*, Sacramento County Bar Association, Environmental Law Section, May 5, 2021
- *Ethics of Water Law for Practitioners*, Lorman Education Services Live Webinar, March 8, 2021
- *Take Me to the River: Evolving Frameworks for Environmental Flows*, 29th Annual 2020 Environmental Law Conference at Yosemite®, October 15, 2020
- *Conduct and Ethics Training for Water Agency Officials: A Primer on AB 1234*, Co-presenter, ACWA 2019 Fall Conference, December 5, 2019
- *Ethics Training: Conduct and Ethics Training for Water Agency Officials: A Primer on AB 1234*, Co-Presenter, ACWA 2018 Spring Conference & Exhibition, May 10, 2018
- *AB 1234 Ethics Training for Local Agency Officials*, December 13, 2017

Publications

- *Sacramento Superior Court Rules Department of Water Resources Lacked Authority to Issue Bonds for Delta Tunnel*, California Water Law and Policy Reporter, Volume 34, Number 6, March 2024
- *Sacramento County Sues City of Sacramento for Public Nuisance and Water Pollution Associated with Unhoused Encampments*, California Land Use Law & Policy Reporter, Volume 33, Number 4, January 2024
- *U.S. Bureau of Reclamation Receives Scoping Comments on Post-2026 Colorado River Operations*, California Water Law & Policy Reporter, Volume 34, Number 1, October 2023
- *California Department of Water Resources Approves 12 Groundwater Sustainability Plans for Non-Critically Overdrafted Basins*, Environmental, Energy & Climate Change Law and Regulation Reporter, Volume 3, Number 9, June 2023
- *Litigation is Taking California's Public Trust Doctrine From the Waterfront to the Forefront*, Western City Magazine, June 1, 2023
- *California State Water Resources Control Board Adopts Water Conservation Standards for Urban Suppliers*, Environmental, Energy & Climate Change Law and Regulation Reporter, Volume 3, Number 3, December 2022
- *California Assembly Bill Would Require Groundwater Sustainability Agency Involvement in Local Agency*

Well Approval Process, California Water Law & Policy Reporter, Volume 32, Number 11, September 2022

- *State Water Resources Control Board Approves Temporary Urgency Change Petition for State Water Project and Central Valley Project*, California Water Law & Policy Reporter, Volume 32, Number 8, May 2022
- *The California State Water Resources Control Board Approves Emergency Regulations for Water Right Curtailment Orders in Scott and Shasta Rivers*, California Water Law & Policy Reporter, Volume 31, Number 11, September 2021
- *California Department of Water Resources Releases Final Drought Planning Report for Small and Rural Water Suppliers*, Environmental, Energy & Climate Change Law and Regulation Reporter, Volume 1, Number 9, June 2021
- *Congress Introduces Bill to Coordinate River Restoration Efforts Between the United States and Mexico and to Protect the Salton Sea*, Environmental, Energy & Climate Change Law and Regulation Reporter, Volume 1, Number 6, March 2021
- *FERC Order Requires PacifiCorp to Remain on for Klamath Dam Removals*, Argent Communications Group, September 7, 2020
- *James Irrigation District Sues Westlands Water District Over Mendota Pool Group 20-Year Exchange Program*, California Water Law & Policy Reporter, Volume 30, Number 8, May 2020
- *District Court Holds U.S. Army Corps is Not Obligated Under the Clean Water Act or Other Laws to Dredge Channels on Annual Basis*, California Water Law & Policy Reporter, Volume 30, Number 4, January 2020
- *Federal Government and Center For Biological Diversity Reach Settlement over 'Wild And Scenic' Rivers*, Argent Communications Group, October 1, 2018
- *California WaterFix: A Snapshot of the SWRCB Water Rights Change Hearings*, Environmental Law News, Vol. 26, No. 1, Spring 2017
- *Let's Get Physical—Water Rights, Takings, and the Endangered Species Act*, California Water Law & Policy Reporter, Volume 27, Number 5, February 2017

Legal Alerts

- *Sacramento County Superior Court Rules in Favor of the State Water Board's Substitute Environmental Document for Phase I of the Bay-Delta Plan*, March 22, 2024
- *State Water Board Issues Sweeping Water Right Curtailment Order in 2022 for the Sacramento-San Joaquin Delta Watershed*, June 9, 2022
- *Sacramento County Health Officer Extends Stay at Home Order through May 1, 2020; Additional Clarifications for Essential Businesses*, April 8, 2020
- *New Law Mandates That Special Districts Maintain Public Websites by January 2020; Limited Exemptions Available*, February 13, 2019
- *AB 2257: New Brown Act Requirements for Meeting Agendas on Local Agency Websites Effective for Meetings Held on and after January 1, 2019*, September 13, 2018

- *Third Appellate District Extends Public Trust Doctrine to Groundwater, Finding That Counties Have a Duty to Administer the Trust in Issuing Ministerial Well Permits*, September 7, 2018
- *WaterFix EIR Certification and NOD Client Alert*, July 24, 2017
- *SB 272: A New Disclosure Requirement Under the Public Records Act, Effective July 1, 2016*, July 22, 2016

Blogs

- *California Supreme Court Throws the Barn Doors Open, Finding That Groundwater Well Permits Aren't Necessarily Ministerial*, September 2, 2020
- *DWR Certifies EIR for WaterFix, Triggering 30-Day Deadline for Opponents to File Suit*, July 25, 2017