



Rebecca R. A. Smith Partner

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Practice Areas

CEQA / NEPA | Endangered Species | Flood Protection Law | Food & Agriculture | Food & Agriculture Litigation | Groundwater Law | Land Use | Real Property & Land Use Litigation | Water Law | Water Rights Litigation

Clients facing challenging, sensitive, or complex water law issues rely on Rebecca Smith's expertise to best map their path.

Rebecca provides thoughtful, careful guidance to both public agencies and private sector clients on water rights, groundwater management issues, and environmental compliance, among other topics.

Rebecca counsels both public and private sector clients on water rights, water supply, land use and development, and environmental compliance under state and federal law. She provides sophisticated, client-centric advice on water rights, groundwater management, and CEQA/NEPA compliance. She provides cutting-edge expertise in groundwater law, and devotes significant time in her practice helping clients to understand their emerging issues, obligations, and opportunities under the Sustainable Groundwater Management Act. Rebecca is well-versed in administrative procedure, and counsels clients through the permitting and appeals processes at the State Water Resources Control Board, through local agency appeals, and before federal agencies including the Bureau of Land Management and the Bureau of Reclamation.

Rebecca is proactive in building creative, efficient solutions for her clients. A thoughtful and collaborative general counsel, Rebecca has special expertise counseling clients on California Public Records Act (PRA) issues, state and local elections, Brown Act compliance, assessment and fee practices, FPPC compliance, petitions for writs of mandate, and other matters of special concern to public agencies.

Rebecca is active both in the firm's Water Law practice and in its well-reputed Food and Ag practice. Because of joint involvement in these complementary practice areas, Rebecca lends a special understanding of food production and agricultural legal issues to her water law practice.

Experience

- Counsel clients on claims of riparian and pre-1914 water rights, investigate water rights, and advise clients in interactions with the State Water Resources Control Board.
- *Delaware Tetra Technologies, Inc. v. County of San Bernardino*; *Center for Biological Diversity v. County of*

San Bernardino. Representing County in defense of six coordinated actions challenging the Cadiz Groundwater Conservation, Recovery and Storage Project under CEQA and the County's Desert Groundwater Management Ordinance. Prevailed at trial on all claims in all six actions.

- Prepare motion for summary judgment for community services district relating to a claim for tax refund, resulting in a \$2 million judgment for client.
- Draft legislation protecting landowner voting structure of irrigation district, and interface with legislative staffers to ensure the bill's passage.
- Counsel joint powers authority on matters relating to authority's powers and obligations under the California Joint Powers Authority Act, and provide advice regarding the restructuring of that authority.
- Prepare election materials and provide legal guidance regarding election procedures for numerous public agency clients, including California Water Districts, Reclamation Districts, Irrigation Districts, and Community Services Districts. During particularly contentious elections, provide valuable on-site legal advice regarding election challenges and voting procedures.
- Counsel clients on issues relating to U.S. Bureau of Reclamation water contracts, water allocation and shortage policies, and compliance with federal Reclamation law.
- Perform detailed CEQA analysis for private developer in connection with permit applications related to second phase of ongoing development project.
- Counsel farming and winery clients on land acquisition matters, including easements, title restrictions, water rights, and development restrictions.
- Assist clients in developing and evaluating water supply assessments and developing water supply policies, for future development and current needs.
- Counsel public agency client through an election to change the rates and methods of apportionment of a special tax under the California Elections Code and the Mello Roos Act.
- Extensive experience responding to, drafting, and challenging requests for public records under the California Public Records Act and the Freedom of Information Act.
- Represent municipality in large-scale CEQA and groundwater litigation.
- Prepare and defend comprehensive administration record in advance of litigation.

Professional & Community Service

- Water Education Foundation, Board of Directors, 2019-present
- Water Education Foundation Water Leaders Fellowship, Class of 2018
- Center for Land-Based Learning, Board of Directors, 2018-present
- Sutter Davis Hospital Foundation, Board of Trustees, 2018-present
- "Lawyers in the Library" Pro Bono Project, Sacramento County Public Law Library, Volunteer, 2011-present
- Association of Women in Water, Energy and the Environment
- Groundwater Resources Association

- American Bar Association, 2010-present
- American Agricultural Law Association, 2012-present
- Sacramento County Bar Association, Environmental Law Section, 2010-present
- Davis Chamber of Commerce
- University of California at Davis Block CA Society, 2010-present
- Notre Dame Public Defender Program, South Bend Juvenile Justice Center, Student Attorney, 2009-2010

Education

- J.D., Notre Dame Law School, 2010
- B.A., University of California at Davis, 2006

Honors & Rankings

- California Water Law Journal, Advisor, 2013-present
- Journal of College and University Law, Editor-in-Chief, 2009-2010
- Journal of College and University Law, Staff Writer, 2008-2010
- Externship, Honorable William M. Skretny, United States District Court, Western District of New York, 2008

Speaking Engagements / Events

- *Sustainable Groundwater Management Act*, Co-instructor, UC Davis Extension, April 22, 2020
- *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
- *Too Much Water Too Fast: Conjunctive Management of Ground and Surface Water in Wet Periods*, Presenter, Law Seminars International 5th Annual Conference on Tribal Water Law in California, October 26-27, 2017
- *Groundwater Rights: Management, Regulation, and Exercise*, Presenter, HalfMoon Education Seminar on California Water Laws, Regulations and Recent Developments, October 3, 2017
- *Sustainable Groundwater Management Act (SGMA) Update*, Moderator, Bay Planning Coalition Annual Energy and Water Nexus, September 22, 2017
- *Navigating the Prop. 218 Minefield*, Presenter, NCWA Groundwater Task Force, September 2017
- *California's Water Law, Policy and Regulation: Coping with Drought, Floods and the New Federal Administration*, Argent Communications 32nd Annual California Water Law & Policy Conference, June 12-13, 2017
- *Financing SMGA Implementation: Navigating the Prop. 218 Minefield*, Presenter, Argent Communications

32nd Annual California Water Law & Policy Conference, June 12, 2017

- *Sustainable Groundwater Management Act*, Co-instructor, UC Davis Extension, April 21, 2017
- *Ethical Considerations for Water Agency Attorneys in SGMA's Brave New World*, Co-presenter, ACWA 2016 CLE Conference, September 15-16, 2016
- *Introduction to California Water Law and Water Right Valuation Issues*, Industry Presentation, April 15, 2015
- *Water Rights 101*, ARE 145 Guest Lecturer, UC Davis, February 12, 2015
- *Public Agency Ethics 101*, Speaker, Association of California Water Agencies (ACWA), December 2013
- *Wineries and the Food Safety Modernization Act*, Speaker, American Society for Enology and Viticulture Conference, June 2013
- *Public Agency Ethics Training*, Speaker, Downey Brand Training, December 2012
- *Groundwater 101*, Speaker, California Department of Public Health, April 2012

Publications

- *Private Emails, Texts, Not Immune From Disclosure*, Sacramento Business Journal, March 17, 2017
- *A Compendium of California's Sustainable Groundwater Management Act*, Provided by Downey Brand's Water Law Practice, December 2016
- *Addressing the California Department of Water Resources' Draft Emergency Regulations on Groundwater Sustainability Plans*, California Land Use Law & Policy Reporter, Vol. 25, No. 8, May 2016
- *California Water Law and Policy Reporter*, Contributing Author, 2010-2015
- *Upgraded Conservation Pricing: Proposition 218, Smart Meters, and the Step Beyond Tiered Rates*, California Water Law Journal, January 2014
- *Food and Drug Administration Proposes New Rules for Agricultural Water*, California Water Law and Policy Report, October 2013
- *Food Safety: Inspections, Compliance Strategy and Opportunities for Comment*, Practical Winery & Vineyard, September 1, 2013
- *Legal Issues in Vineyard Development and Expansion*, California Association of Winegrape Growers, August 2012

Legal Alerts

- *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
- *California Supreme Court Confirms Certain Groundwater Pumping Charges are Outside Scope of Prop*

218, December 4, 2017

- *WaterFix EIR Certification and NOD Client Alert*, July 24, 2017
- *California Supreme Court Rules Public Officials' and Employees' Personal Accounts Do Not Escape Reach of Public Records Act*, March 3, 2017
- *Update: California Supreme Court Holds Inadvertent Production of Attorney-Client Privileged Documents under a Public Records Act Request Does Not Waive the Privilege*, March 18, 2016
- *Showdown at California Supreme Court over Waiver of Attorney-Client Privilege in Public Records after Inadvertent Disclosure*, August 18, 2015
- *California Supreme Court Delivers Long-Awaited Ruling In Berkeley Hillside*, March 4, 2015
- *Orange County Trial Court Upholds Cadiz Valley Groundwater Project*, May 6, 2014

Blogs

- *DWR Certifies EIR for WaterFix, Triggering 30-Day Deadline for Opponents to File Suit*, July 25, 2017
- *CEQA Implications of California Supreme Court Decision Finding Public Officials' and Employees' Personal Accounts Do Not Escape Reach of Public Records Act*, March 6, 2017