



Steven P. Saxton Of Counsel

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Practice Areas

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

For nearly 30 years, public agencies, businesses and agricultural landowners have looked to Steve Saxton to successfully handle water, resources, and land use litigation and representation in both private negotiations and in state and federal courts throughout California.

Steve's practice is grounded in a deep appreciation for the far-reaching policy concerns that are part of all resource management and land use disputes. With each case, he offers a thorough assessment to ensure that clients make their legal decisions with the understanding that even the smallest water right or entitlement issue must be resolved with an eye to this broader context.

Steve strives for practical solutions to litigation and provides particular attention to the technical complexities entailed in all of the matters he handles. This means placing a priority on getting engineers, planners, and hydrologists engaged and prepared early in the process. Steve's goal in every case is to provide both the legal and technical analyses that can avoid or shorten litigation. And when litigation is unavoidable, he works to ensure that this expertise can be readily understood and correctly acted on by judges, juries, and other decision makers.

Experience

- Lead litigation and appellate counsel for Sacramento Valley CVP contractors asserting area of origin rights to contract water supplies.
- Litigation co-counsel for the Kern Water Bank Authority defending CEQA and related claims challenging the Monterey-Plus Agreement for allocating State Water Project supply.
- Lead CEQA counsel for Sacramento Municipal Utility District defending PG&E challenge to Yolo County annexation.
- Lead litigation counsel for California Department of Corrections and Rehabilitation in several CEQA challenges to facilities construction and modification.

- Lead trial counsel for a consortium of Sacramento Valley water contractors in defense of Endangered Species Act claims regarding chinook salmon and Delta smelt.
- Lead litigation counsel for Monterey County in defense of recreation contract claims arising from proposed Salinas Valley Water Project.
- Lead trial counsel, Santa Maria Valley Groundwater Basin adjudication (successful representation of plaintiff against claims of groundwater basin overdraft).
- Litigation and appellate counsel defending Sacramento River Settlement Contractors against ESA challenges to contract renewals.
- Lead litigation counsel defending Monterey County Water Resources Agency against CEQA, Public Trust Doctrine and Constitutional (Proposition 218) challenges to Salinas Valley Water Project.

Professional & Community Service

- American Bar Association, Section of Environment, Energy and Resources, Litigation Committee, Past Co-Chair
- Association of California Water Agencies, Federal Affairs Committee
- California Lawyers Association, Litigation and Natural Resources Sections, Former Member
- California Lawyers Association, Environmental Law Section
- Sacramento County Bar Association, Environmental Law Section, Former Member
- Goodwill Industries of Sacramento Valley and Northern Nevada, Board of Directors, 2003-present
- Camellia Symphony Orchestra, Former Director
- Alta California Regional Center, Former Director and President
- Parents for Special Children, Former Director

Education

- J.D., University of California, Hastings College of the Law, 1984
- A.B., *summa cum laude*, University of California at Berkeley, 1973

Honors & Rankings

- AV Preeminent[®] Rating by Martindale-Hubbell[®], 1993-present
- *Sacramento Magazine*, Top Lawyer, Environmental, Energy & Natural Resources, 2015-2016, 2018
- Phi Beta Kappa Honor Society

Speaking Engagements / Events

- *Prop 218 Update: How's That Noose Feeling Now?*, Presenter, Argent Communications 27th Annual

California Water Law & Policy Conference, April 19, 2012

- *Area of Origin Protection: TCCA v. U.S.*, Presenter, Argent Communications 26th Annual California Water Law & Policy Conference, June 13, 2011
- *California Water Quality & Its Impact on Supply*, Law Seminars International, Presenter, 2010

Publications

- *Big Deal - The Ninth Circuit May Yet Preserve the Bargain that Made the Central Valley Project Possible*, California Water Law & Policy Reporter, May 1, 2013
- *Climate Change and Water in California*, Co-author, Western Water Law and Policy Reporter, Vol. 13, No. 6, April 2009
- *Downey Brand's 75 Years of Water Law Practice: A History of Forging the Future*, Sacramento Lawyer, January/February 2003

Legal Alerts

- *Sacramento River Settlement Contractors Ask U.S. Supreme Court to Review Scope of Endangered Species Act*, July 15, 2014
- *Immediate Curtailment of Post-1914 Appropriative Water Rights*, May 29, 2014
- *Orange County Trial Court Upholds Cadiz Valley Groundwater Project*, May 6, 2014
- *Updated Water Supply Amounts for State and Federal Projects*, April 21, 2014
- *Governor Brown Signs Emergency Drought Legislation Into Law*, March 2014
- *No Tax Relief for the Annexed: Court of Appeal Holds Proposition 218 Does Not Apply to Annexations*, October 2012
- *Ninth Circuit Affirms Priority of Water Rights Held by Sacramento River Settlement Contractors In the Face of Endangered Species Act Challenges*, August 2012
- *First District Court of Appeal Defers to Water Agency's Discretion and Upholds Urban Water Management Plan, Rejecting Claim That Any "Uncertainty" About Future Water Supplies Requires Analysis of Alternative Supplies*, October 2010
- *Court of Appeal Holds That CEQA Is Not Triggered By a Public Agency's Investigation of Sites for a Potential Project*, July 2010
- *California Supreme Court Confirms that the California Constitution Does Not Require Secret Ballots in Proposition 218 Ballot Proceedings*, June 2010
- *First District Court of Appeal Clarifies Calculation of Special Benefits and Proportionality for Assessments Subject to Proposition 218*, January 2010
- *Second District Court of Appeal Upholds EIR for Transfer of 41,000 Acre-Feet Per Year of State Project Water Despite Uncertain Status of the Monterey Agreement*, December 2009
- *First Appellate District: The California Constitution Compels Local Governments to Keep Ballots*

Confidential in Fee Elections and to Inform the Public of That Fact, March 2009

- *In a Landmark Case Interpreting Proposition 218, the California Supreme Court Expands the Judiciary's Role in Reviewing the Adequacy of Local Benefit Assessments, July 2008*
- *California Supreme Court Upholds CALFED Environmental Impact Report, June 2008*
- *Court of Appeal Finds Water Supply Assessments Not Actionable Until Completion of Environmental Review Process, April 16, 2008*
- *Applying Principles from the California Supreme Court's 2007 Decision in Vineyard Area Citizens, Court of Appeals Upholds EIR Against Challenge to Water Supply Analysis, September 2007*