



Scott S. Slater

Shareholder

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Los Angeles, California Santa Barbara, California

A member of the firm's Executive Committee, Scott Slater is an experienced litigator and transactional attorney. His practice emphasizes negotiation and strategic planning for his clients including holistic resource management solutions to further clients' business goals in securing new reliable water supplies. Transactions must be sustainable to survive legal and political scrutiny in the highly charged arena of water. Whether helping guide private companies to serve as public stewards of their water resources or representing public agencies serving the resource needs of their constituents, his creativity and support for innovation can change the paradigm from win-lose to non-zero sum outcomes.

Scott serves as special water counsel to investor-owned utilities, private equity groups, private corporations, special districts, cities and large landowners. He has more than three decades of experience representing clients in complex water and infrastructure matters, predominantly in the Western United States. He was named one of the top 100 lawyers in California by the *Los Angeles Daily Journal*, rated AV by Martindale Hubble, included among the *Best Lawyers in America* (2010-2018), and selected as Water Lawyer of the Year by *Best Lawyers* in 2014.

He has developed and implemented strategic initiatives in the most complicated settings in California, provided transactional counseling, negotiated and drafted agreements, proposed legislation and represented clients in groundwater litigation and stream adjudication. He also handles water resource and water quality cases before the California State Water Resources Control Board, the Public Utilities Commission and state and federal courts.

Scott is active in numerous water adjudication and litigation matters and has a working knowledge of every adjudicated groundwater basin in California, including the Chino Basin, the San Fernando Basin, the Six Basins, the Seaside Basin, the Santa Paula Basin, the Central and West Coast Basins, the Mojave Basin, the Goleta Basin and the Sacramento Basin. The consensual stipulation in the Six-Basin adjudication set the standard for expeditious resolution of groundwater conflict resulting in a comprehensive adjudication.

An accomplished author and speaker, Scott is frequently called upon to present at national conferences. He is the author of a two-volume treatise titled *California Water Law and Policy*. He has served as an adjunct professor at the University of Pepperdine School of Law (1996-2002), a visiting lecturer at the University of Western Australia and at various universities in the People's Republic of China. In addition, Scott has been appointed to water management boards and frequently serves as an expert witness in water law and the professional standard of care for water lawyers.

Scott is CEO and President for Cadiz Inc., a publicly traded company. While maintaining his shareholder position at Brownstein, Scott serves as the primary architect of the environmentally benign Cadiz Water Project that has now secured two public agency approvals and 12 court opinions validating the project and its review and approval process.

Appointment and Expert Witnesses

Board of Directors, Ojai Basin Groundwater Management Agency, appointed to Board of Directors for a special act agency with responsibility for managing groundwater in Ojai, California, 1994-1996.

Expert Witness on water, water rights and attorney “standard of care” in administrative and civil proceedings.

- Mojave Water Adjudication Attorney’s Fees, 57 CPUC 2d580 (1994)
- 851 Approval of American States Six Basins Adjudication, CPUC, 1999 Cal.PUC Lexis 647 (1999)
- Approval of Aerojet Settlement, 2005 WL 1798330 Cal.PUC 2nd (2005)
- 851 Approval of Folsom Lease, CPUC, 2004 Cal.PUC Lexis 95 (2004)

Practices

Energy & Natural Resources, Water, Litigation, Water

Infrastructure

Scott is best known for his capacity to creatively solve complex problems and overcome obstacles in project implementation. Examples of his work include:

- **Cadiz Project.** Project architect, manager, negotiator and implementer for all aspects of Cadiz Valley Water Conservation, Recovery and Storage Project, a water supply infrastructure project in Southern California. This public-private partnership is designed to put 50,000 acre-feet per to beneficial use annually by conserving water presently lost to evaporation from dry lakes and delivering it to the Colorado River Aqueduct via a 43-mile pipeline without causing a single adverse environmental impact. The Project was validated by 12 trial and appellate court opinions. A subsequent project phase will include the importation and banking of surplus water in a groundwater bank and contributing to California’s effort to overcome its present storage deficit.
- **San Diego County Water Authority.** Special counsel with ongoing responsibility for negotiating agreements to implement the Quantification Settlement Agreement and the Colorado River Delivery Agreement. The lead negotiator in the multi-billion dollar SDCWA acquisition of 277,000 acre-feet of conserved water from the IID, the largest water transfer in United States history.
- **Chino Basin Desalter.** Facilitator and mediator in the formation of the Chino Basin Desalter Authority and \$350 million water supply contracts.
- **Chino Basin Optimum Basin Management Plan.** Continuing representation of court-appointed watermaster with responsibility for managing groundwater resources within 225-mile watershed in the Inland Empire of Southern California. Watermaster manages the extraction, transfer and storage of approximately 200,000 acre-feet of water annually, implementation of recharge master plan and distribution of recycled water. Infrastructure investments over the past decade benefit more than one million people, and exceed \$1 billion.
- **Service Area Expansion. Golden State Water Company.** Representing Golden State Water Company for development of a new water utility service area in Sutter County, California, including water resource and infrastructure planning, negotiation of water supply agreements, and acquisition of certificate of public convenience and necessity from the California Public Utilities Commission.
- **Storage.** Negotiation of agreement to use the Upper American River Project for 20,000 acre-feet of surface water storage capacity for the benefit of the El Dorado Water and Power Authority.
- **Pipelines:**
 - **Water Supply Agreement for the Delivery of Water Through the Hueneme Pipeline.** Lead negotiator for the City of Oxnard in acquiring a 40-year water supply from the United Water Conservation District in Ventura County.
 - **Water Wheeling Agreement:** City of Oxnard and Ocean View Municipal Water District (1993). Representation of facilities owner in obtaining fair compensation for the use of available pipeline capacity and development of supporting agreements.

Water Transactions

Scott's significant, recent water transactions include:

- Facilitator, negotiator and draftsman of a complex set of court approved agreements that will effectuate a novel groundwater management strategy in the Southern California Inland Empire. The agreements will allow for the harvesting of 400,000 acre-feet of groundwater and 10 mgd of expanded desalting capacity to dramatically curtail outflow to the Santa Ana River.
- Capped nearly a decade of effort by negotiating agreements for the largest water transfer in United States history. Served as special counsel to implement the Quantification Settlement Agreement and the Colorado River Delivery Agreement and lead negotiator in the multi-billion dollar SDCWA acquisition of 277,000 acre-feet of conserved water from the IID. Continues to lead SDCWA's negotiation efforts in implementing subsequent agreements presently valued in excess of \$100 million Completed negotiations for an agreement for the joint use of the Upper American River Project (UARP) for the benefit of El Dorado County, an area of origin community at the headwaters of the American River.
- Lead negotiator of a \$1 billion 30-year Colorado River Water exchange agreement for the San Diego County Water Authority.
- Negotiated 30-year wastewater agreement for the City of Beverly Hills, City of Burbank and Universal Studios with the City of Los Angeles for use of the largest wastewater facility in the Western United States.
- Counsel of record for the City of Santa Paula in the \$18 million acquisition of Santa Paula Water Works, the utility retail water purveyor to residents within the City of Santa Paula and the surrounding unincorporated area.

Representative Matters

- Negotiator of groundwater adjudication amendments to establish groundwater storage procedures in the Central and West Coast Basins to provide local water supplies to the millions of people living and working in the greater Los Angeles region. These amendments were sustained in (*Hillside Memorial Park and Mortuary v. Golden State Water Co.* (2011) 199 Cal.App.4th 658 (review denied); *Water Replenishment Dist. of Southern Cal. v. City of Cerritos* (2012) 202 Cal.App.4th 1063 (review denied).)
- Represented two private equity firms in successful bid for and acquisition of SouthWest Water Company (SWWC), a publicly-traded, investor-owned water utility with operations in several states in the western and southeastern United States. Brownstein attorneys provided strategic advice, performed due diligence, assisted with the merger and acquisition, and acquired regulatory approvals for the transaction from state public utility commissions. This is the first successful public-to-private conversion of a water company in the past decade, and SWWC was one of only 13 publicly-traded companies in the United States. The transaction matter was nominated for Water Deal of the Year at the Global Water Awards held in Berlin as part of the 2011 Global Water Summit.
- Brownstein successfully negotiated a complex, multi-agency settlement of a water rights complaint alleging violations of the public trust and California Fish and Game Code section 5937, on behalf of one of California's largest wholesale water providers. The settlement provides a perpetual, multimillion-dollar program for the re-operation of numerous dams and associated water supply facilities on three watersheds, including flow enhancements, barrier removals and habitat restoration. Brownstein continues to provide legal support associated with obtaining all regulatory approvals of the settlement and its implementation.
- Representing Golden State Water Company for development of a new water utility service area in Sutter County, California, including water resource and infrastructure planning, negotiation of water supply agreements, and acquisition of certificate of public convenience and necessity from the California Public Utilities Commission.
- Negotiated an agreement for the joint use of the Upper American River Project ("UARP") for the benefit of El

Dorado County, an area of origin community at the headwaters of the American River. The agreement provided access to the UARP and the right to divert and store up to 40,000 acre-feet of water annually.

- Prosecute water right applications with the State Water Resources Control Board for supplemental water to meet general plan needs.
- As general counsel to the Chino Basin Watermaster, facilitated, negotiated and drafted agreements among parties to the judgment to implement the Optimum Basin Management Program. Represented the parties and watermaster before the court in securing approval of basin management strategy to secure hydraulic control through a coordinated groundwater extraction plan and desalting.
- On behalf of San Diego County Water Authority, negotiated a series of complex agreements between state and federal agencies for the settlement of disputes related to California allocation of Colorado River water, including the largest water transfer in United States history, lining of the All-American Canal and water conveyance.

Community

President and Board Member, Santa Barbara Youth Ensemble Theatre, Inc.

Publications & Presentations

- Brownstein Water: Current Trends in Water Law & Policy, Contributor
- Politics vs. Science – Update on the Status of the Cadiz Water Project, Speaker, AGWA–AGWT Annual Conference, Ontario, CA, February 12, 2018
- Where There's Smoke There's Water: The Conundrum Of Cannabis Farming In California With Federal Project Water, Co-author, *Brownstein Client Alert*, February 7, 2018
- Water Trading and Other Unique Approaches to Addressing Water Shortages and Shifts in Demand, Panelist, National Association of Regulatory Utility Commissioners Summer Policy Summit, San Diego, CA, July 18, 2017
- President Signs Sweeping Water Legislation to Address Nation's Water Woes and to Aid Parched California, *Brownstein Client Alert*, December 19, 2016
- Defining a groundwater management system, Author, *Capitol Weekly*, June 20, 2016
- State Water Board Nixes Flawed "One Size Fits All" Conservation Mandates, *Brownstein Client Alert*, May 25, 2016
- California Water Crisis: A Situational Assessment, Speaker, Your Water: The Bigger Picture, The Risk Management Association and American Society of Civil Engineers, Santa Barbara, CA, September 22, 2015
- Where's the Water? Quenching Your Thirst In A Drought, Speaker, Groundwater Law Conference, American Ground Water Trust, San Francisco, CA, May 15, 2015
- Responding to a Tight News Cycle and Protecting Your Client: Legal Ethics in Environmental Representations, Panelist, American Bar Association Annual Conference, San Francisco, CA, March 27, 2015

Education

- J.D., 1984, with distinction, University of the Pacific, McGeorge School of Law, Order of the Coif
- B.A., 1980, with distinction, University of Redlands

Admissions

- California, 1984
- U.S. Court of Appeals, Ninth Circuit

Recognition

Who's Who in Professional Services, *Pacific Coast Business Times*, 2014-2017

Top 100 Lawyers in California, *Los Angeles Daily Journal*, 2014

Martindale Hubble Av – Preeminent ranking, 1997-2017

Best Lawyers in America, 2010-2019

Chambers USA, 2012-2018

Los Angeles Water Law Lawyer of the Year, *Best Lawyers*, 2014

Membership

Board of Directors, Executive Committee, Limoneira Company, 2012 - Present

Board of Directors, Cadiz Inc., 2011 - Present, President and CEO, 2013 - Present

Board of Advisors, Private Equity Investment in Global Water Industry, Water Asset Management, 2007-2017

Former Board Member and Chair, American Ground Water Trust, 2000-2009

Chair, Natural Resources Subsection of the Real Property Law Section, State Bar of California, 2001-2004

Board Member, Chair Legislative Committee, California Groundwater Resources Association, 1999-2003