



Russell M. McGlothlin

Shareholder

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Santa Barbara, California

Russell McGlothlin is a water resources attorney. He possesses extensive expertise concerning water use and management in California and the western United States, including water right adjudication and permitting, compliance with the Sustainable Groundwater Management Act, water transfers, conjunctive water use, water quality, and reclamation. He represents private companies, significant agricultural holdings, municipalities, special districts, and individual landowners with transactional negotiations, litigation, and administrative agency proceedings.

Russell has particular expertise concerning the management of California groundwater. He was highly involved in the development of the Sustainable Groundwater Management Act and laws to reform the judicial procedure for adjudicating groundwater basins. He represents clients throughout California in the implementation of these new groundwater laws. He also has broad experience in adjudicated groundwater basins across the state including the Central, Goleta, Mojave, Santa Maria, Seaside, Santa Paula and West Coast Basins.

Russell frequently publishes and speaks on water law topics. His writings include several law journal articles and two chapters of California Groundwater Management published by the Groundwater Resources Association. He is also a member of the Council of Legal Advisors to the Bren School of Environmental Science & Management at the University of California at Santa Barbara where he guest lectures regularly.

Practices

Energy & Natural Resources, Litigation, Water

Representative Matters

- Counsel to a group of local agencies in Ventura County to draft and negotiate a joint powers agreement to form a Groundwater Sustainability Agency pursuant to the Sustainable Groundwater Management Act.
- Counsel to one of California's largest agricultural growers advising on the implementation of the Sustainable Groundwater Management Act.
- Counsel to a broad group of agricultural stakeholders in the Salinas Valley providing assistance with the development of a Groundwater Sustainability Agency that includes significant participation by the agricultural groundwater users within the valley.
- Drafted joint powers agreement and oversaw the formation of a joint powers authority comprised of the six cities of the Monterey Peninsula. Presently represent the authority as special counsel before the California Public Utilities Commission with respect to a comprehensive replacement water supply project that includes a large desalination plant and potential advanced-treated reclaimed water and groundwater replenishment project. Further representation includes matters before the State Water Resources Control Board concerning compliance with a cease and desist order pertaining to the community's water supply and other related water matters.
- Water rights counsel to association comprised of all agricultural groundwater producers from the Santa Paula Groundwater Basin in Ventura County. Representation has included development of original stipulated judgment adjudicating basin water rights, subsequent amendment of the adjudication judgment, and related matters pertaining to the use and management of basin resources under the judgment.

- Water Rights counsel to publically-traded agricultural firm with properties located throughout the western United States. Representation includes counsel on perfection and protection of water rights, water markets, development matters, and related matters.
- General counsel to large agricultural mutual water company in Ventura County. Representation includes water rights, infrastructure development, and corporate matters.
- Obtained reversal in full of two separate, but related trial court decisions denying motions to amend judgments governing the West Coast and Central groundwater basins, which provide local water supplies to the millions of people living and working in the greater Los Angeles region. The motions seek to provide for the conjunctive use and management of the basins, including procedures for use of the basins' available storage space. (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).)
- Trial counsel for one of California's largest shareholder-owned public water suppliers in complex litigation to adjudicate and control the water resources in the Santa Maria groundwater basin. The case involved more than 1,000 parties who rely on local water resources and two federally-owned reservoirs. After eight years of litigation, the case was resolved through a settlement stipulation among the vast majority of the parties, thereby providing legal certainty with respect to the use and management of the resource.
- Water rights counsel for a national land developer/home builder with respect to the water supply components of a proposed 5,000 home residential and commercial development in southern California. The project raised numerous water supply and water quality issues, including groundwater storage, replenishment and development, water transfers, conjunctive use, water re-use, flood protection and stormwater management.
- Water rights and land use due diligence for acquisition of a 1,800-acre ranch in Santa Barbara County, and subsequent advice on water right issues.

Community

Partnership Council Member, Community Environmental Council

Liaison to the Bren School of Environmental Science & Management, U.C.S.B.; Member of Bren's Council of Legal Advisors

Publications & Presentations

- Will Your Basin Adjudicate, and if so, How Will That Relate to Basin Management under SGMA?, Author, *Western Grower & Shipper*, November/December 2017
- Groundwater Law 101, Speaker, 2017 Groundwater Law Workshop, Sacramento, CA, October 2, 2017
- How SGMA Will Affect Agricultural Groundwater Users and Key Considerations for Developing an Implementation Strategy, Author, *Western Grower & Shipper*, September/October 2017
- Sustainable Groundwater in California, Speaker, Law Seminars International Conference, Sacramento, CA, June 6, 2016
- The SGMA Cookbook: The Recipe for Sustainable Groundwater, Panelist, Association of California Water Agencies 2016 Spring Conference, Monterey, CA, May 5, 2016
- Water rights require balance of interest, Author, *Pacific Coast Business Times*, January 29, 2016
- The Golden Rule* of Water Management, Co-author, *Golden Gate University Environmental Law Journal*, Symposium Edition, Volume 9, Number 1, Fall 2015

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- The New California Groundwater Regulations: What you need to know, Speaker, Water Rights in California, National Business Institute, Ventura, CA, January 12, 2016
 - Water: What New Regulations May Mean for You, Speaker, The Almond Conference, Almond Board of California, Sacramento, CA, December 9, 2015
 - How Does the Public Trust Doctrine Apply to Groundwater in California, or Does it?, Panelist, Association of California Water Agencies, Fall Conference, Indian Wells, CA, December 2, 2015

Brownstein Water Blog

Brownstein Water: Current Trends in Water Law & Policy

Visit water.bhfs.com for commentary and analysis of timely water law and policy issues.

Industrial Storm Water Permittees Face New Challenge—TMDLs

Posted on March 23, 2016 by Brownstein Water Group

When the State Water Resources Control Board (“State Board”) adopted the Industrial General Storm Water Permit in 2014 (the “IGP”), the State Board reserved for a later day how to incorporate Total Maximum Daily Load (“TMDL”)-specific requirements for watersheds around the state into the IGP. Specifically, the State Board set July 1, 2016, as the... [Continue Reading »](#)

Who Owns the Water?

Posted on February 12, 2016 by Brownstein Water Group

Water Rights Require Balance of Interest

Russ McGlothlin authored an article for the Pacific Coast Business Times on the common question of who owns the water in California? The piece, titled “Water Rights Require Balance of Interest” appeared in the January 29, 2016 publication.

Brownstein’s Annual California Water Rights Compliance Checklist

Posted on January 26, 2016 by Brownstein Water Group

Brownstein’s California Water Group is pleased to provide you with our California Water Rights: Compliance Checklist for 2016. This Checklist provides a summary of state water right reporting requirements and applicable deadlines for users of surface water and groundwater in California. Use the link below to find: Our summary of filings required for all surface water and... [Continue Reading »](#)

Education

- J.D., 2000, with honors, University of Michigan Law School
- B.A., 1994, with honors, University of Oregon

Admissions

- California, 2000

Recognition

Who’s Who in Professional Services, *Pacific Coast Business Times*, 2015

Who’s Who in Clean Tech & Sustainability, *Pacific Coast Business Times*, 2015

Top 40 Under 40, *Pacific Coast Business Times*