

**JENNIFER L. HARDER**  
*jharder@pacific.edu*

Associate Professor of Lawyering Skills at McGeorge School of Law, University of the Pacific, Sacramento. Co-Director, Water & Environmental Law Concentration. Faculty Director for Online Learning. Courses: Administrative Law, Environmental Practice, Statutes & Regulations, Water Resources Law.

**TEACHING EXPERIENCE**

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University of the Pacific, McGeorge School of Law Associate Professor of Lawyering Skills Faculty Director for Online Learning Co-Director, Water & Environmental Law Concentration	2015-present
University of California Davis School of Law Adjunct Professor, <i>Water Resources Law</i> Lecturer, International Law Program Lecturer, <i>U.S. Legal Writing</i> , International Law Program Adjunct Professor, <i>Legal Writing</i> , J.D. Program	2009–2015 2003–05, 2011–14 2003-05, 2011 2001–2002
University of California Los Angeles Extension <i>Environmental Law &amp; Institutions</i> (online) <i>Water Rights &amp; Sustainability</i> (online) <i>Environmental Compliance for Water Projects</i> University of California Davis Extension	2012–present 2010–present 2005–2011 2004-2010

**ONLINE COURSE DEVELOPMENT & TEACHING**

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University of the Pacific, McGeorge School of Law, Faculty Director for Online Learning Design and facilitate accreditation of online graduate law program Recruit, manage, and train faculty in online course development and teaching Develop and teach online courses	2018-present
Develop and teach online courses for University of the Pacific, McGeorge School of Law, University of California Los Angeles Extension, Public Policy Certificate Program <i>Water Resources Law</i> , McGeorge School of Law <i>Waste Not: The Law of Water Use Efficiency</i> , McGeorge School of Law <i>Environmental Law &amp; Institutions</i> , UCLA Extension <i>Water Rights &amp; Sustainability</i> , UCLA Extension	2014-present 2012 2012–2016 2010–2016

**ATTORNEY EXPERIENCE**

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Downey Brand LLP Attorney and Partner, Water Group	October 1999–October 2008
Alaska Supreme Court Law Clerk, Justice Alexander O. Bryner	August 1998–August 1999
California Department of Water Resources Law Clerk, Office of the Chief Counsel	June 1997–December 1997

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## OTHER PROFESSIONAL EXPERIENCE

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University of California Davis School of Law Research Assistant, Professor Holly D. Doremus	June 1996–August 1996
Barber & Gonzales Consulting Group, Sacramento Intern, American River interest-based negotiation process	June 1996–August 1996
Friends of the River, Sacramento Intern, research and advocacy, water and environmental law	January 1991–June 1992

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## EDUCATION

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UC Davis School of Law Editor, UC DAVIS LAW REVIEW Editor in Chief, ENVIRONS Editor in Chief & founding member, JOURNAL OF JUVENILE LAW AND POLICY National Environmental Moot Court Competition, team member	JD 1998
UC Davis Editor, THE DAVIS ARBITRATOR	BA Political Science/Public Service 1993

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## SELECTED PUBLICATIONS

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Co-Author, "A Path Forward for California's Freshwater Ecosystems," Public Policy Institute of California (December 2019)

"Harmonic Convergence or Cognitive Dissonance? California's Groundwater Law & The Public Trust Doctrine," ROCKY MOUNTAIN MINERAL LAW FOUNDATION ANNUAL INSTITUTE, ISBN 978-1-943497-31-7 (December 2019)

Excerpt from Demand Offsets: Water Neutral Development in California, 46 MCGEORGE LAW REVIEW 103 (2014) *published in* LEGAL CONTROL OF WATER RESOURCES: CASES AND MATERIALS, 6th Edition, Barton H. Thompson, Jr., John D. Leshy, Robert H. Abrams, Sandra B. Zellmer (2018)

"Symposium: The Human Right To Water: Turning Principles Into Action," 50 MCGEORGE LAW REVIEW 1-11 (November 2017)

"Unlimited Rights in a Water Scarce World? Quantification of Dormant Rights to Groundwater," TEXAS TECH LAW REVIEW (Summer 2016)

"Water Neutral Programs in California," MCGEORGE LAW REVIEW, McGeorge School of Law (Spring 2015)

Weber, Harder, and Bearden, CASES & MATERIALS ON WATER LAW (9<sup>th</sup> Edition), West Publishing (Feb. 2014), Co-Author (10<sup>th</sup> Edition pending 2020)

“The *Robie* Decision and The Future of California Water Law,” CALIFORNIA WATER LAW AND POLICY REPORTER, May 2006, Co-Author

“Ball, Strike or Balk? Public Accountability and Judicial Restraint Re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings,” CALIFORNIA WATER LAW AND POLICY REPORTER, November 2005, Co-Author

“Guiding Your Water Project Through the Regulatory Rapids: Working with Resource Agencies,” CALIFORNIA WATER LAW AND POLICY REPORTER, December 2004

“The Writing on the Wall: The Applicability of Proposition 218 to Charges for Water Service after *Richmond v. Shasta Community Services District*,” CALIFORNIA WATER LAW AND POLICY REPORTER, March 2004

“Between a Rock and a Hard Place. Conflicts Between Water Recycling and the Law of Water Rights,” CALIFORNIA WATER LAW AND POLICY REPORTER, November 2002

“Environmental Mediation: The Promise and the Challenge,” 19 ENVIRONS 29 (UC Davis School of Law), 1995

#### **PROFESSIONAL ORGANIZATIONS & VOLUNTEER ACTIVITIES**

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Water Policy Research Network, Public Policy Institute of California	2019-present
Editor-in-Chief, ENVIRONMENTAL LAW NEWS	2019-present
Executive Committee, Environmental Law Section, California Lawyers Association	2018-present
Technical Advisory Committee, Wheeler Water Center, UC Berkeley	2017-2018
Co-Founder & Judge, California Water Law Writing Prize	2016-present
Steering Committee, Anne J. Schneider Memorial Foundation	2014-present
Faculty Advisor, California Water Law Symposium	2012-present
Editor/Volunteer, 916 Ink, Sacramento Youth Publishing Project	2011–2012
President/Vice President/Director, Diogenes Youth & Family Services	2003–2008
Editor, California Water Law & Policy Reporter	2003–2008
California Water Leaders, Class of 2003, Water Education Foundation	2003
Volunteer, Anchorage Youth Court	1998–1999

#### **SPEAKING ENGAGEMENTS**

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Invited Presenter, Water Law Works-In-Progress: Domestic Preference & The Human Right to Water, University of Utah, SJ Quinney School of Law (Salt Lake City, Utah, July 2020)

Invited Speaker, California's Constitutional Water Policy, Anne Schneider Memorial Lecture Series (Sacramento, April 2020)

Speaker, Water Rights 101, Water Education Foundation: Water 101 (McGeorge, February 2020)

Moderator and Organizer, Mark Arax: The Dreamt Land: California Water Wars in a Time of Climate Change (McGeorge, February 2020)

Speaker and Panelist, Ecosystem-Based Management, California Water Law Symposium (San Francisco, February 2020)

Speaker, Oregon Water Law Annual Conference, Seminar Group (Portland, Oregon, November 2019)

Moderator, Wade Crowfoot, California Secretary for Natural Resources, Tchobanoglous Water Lecture Series (McGeorge, November 2019)

Speaker and Panelist, Water 101, Levi Schwartz Inn of Court (Davis, October 2019)

Speaker and Panelist, Harmonic Convergence or Cognitive Dissonance: The Public Trust Doctrine and California's Groundwater Law, Rocky Mountain Mineral Law Foundation Annual Institute (Monterey, July 2019)

Speaker, Water Education Foundation: Water 101 (McGeorge, February 2019)

Moderator, SGMA-Driven Solutions, H2O Women in Water (Santa Barbara, November 2018)

Speaker, American Bar Association 36<sup>th</sup> Annual Water Law Conference, Hot Topics in Water Law (Orlando, FL, April 2018)

Moderator, Tchobanoglous Water Lecture Series. Ensuring Safe & Affordable Drinking Water for All: Implementing the Human Right to Water through Small Water System Assistance (McGeorge, April 2018)

Speaker, Water Education Foundation: Water 101 (McGeorge, February 2018)

Speaker, University of the Pacific Law Review Symposium, The Human Right to Water: Turning Principles into Action (McGeorge November 2017)

Speaker, Executive Training, Capital Center for Law & Policy, Water Rights in Groundwater (October 2017)

Moderator, Tchobanoglous Water Lecture Spring 2017: Recycled Water As Drinking Water (April 2017)

Moderator, McGeorge Water Law Symposium 2017: State Water Resources Control Board Turns 50: Integration of Water Quality & Quantity in the Golden State (March 2017)

Moderator, Environmental Panel, McGeorge Law Review Symposium (Cannabis & Water/Environment) (March 2017)

Speaker, Local Government Commission Annual Conference (Water Neutral Programs) (March 2017)

Speaker, Water Education Foundation Executive Briefing (Water Neutral Programs) (March 2017)

Moderator, American Bar Association 35<sup>th</sup> Annual Water Law Conference (Public Trust Doctrine) (March 2017)

Speaker, Water 101: California Water 101, Water Education Foundation (February 2017)

Speaker, Groundwater Banking, Tchobanoglous Water Lecture Series, Stockton. (November 2016)

Moderator, all-water-female Delta Water Quality Control Plan panel at Environmental Law Section of the California State Bar, Annual Environmental Law Conference at Yosemite. (October 2016)

Speaker, The Federal Role in CA Water, California Eastern District Judges Conference (Yosemite) (October 2016)

Moderator, Delta Water Quality Control Plan, Environmental Law Conference at Yosemite (October 2016)

Keynote Speaker, "To The Fullest Extent of Which They Are Capable: The California Constitution and Water in the 21st Century, California Water Law, Policy & Regulation: Coping with the Challenges of Unpredictable Supply," 31st Annual California Water Law & Policy Conference, Argent Communications, San Francisco, June 2016

Panelist, "When You Drink From the Spring, Remember the Well: Municipal Drinking Water & Drought, Association of Women in Water, Energy & The Environment," Sacramento, June 2016

Guest Speaker, "Special Water Districts and Urban Growth in California," Water Resources Law, UC Davis School of Law, March 2016

Panelist, Texas Water Law Symposium, Texas Tech University School of Law, Agriculture and Water, "Untying the Gordian Knot of Land-Based Rights in a Water-Scarce World," Lubbock, Texas, February 2016

Panelist, Municipal Law Institute, Ensuring Integrity in the 21<sup>st</sup> Century: Water & Public Works in Our Arid State, "Water Neutral Programs in California" February 2016

Environmental Law Conference at Yosemite, "Nuts About Water," October 2015

Water Education Foundation, Water 101 Seminar: The Basics and Beyond, "California Water Law 101," February 2015-2016 (latter scheduled)

State of California, Legislative Staff Briefing, "California Water Law 101," October 2014

Guest Speaker, Environmental Justice Seminar, UC Davis School of Law, "California Water Law 101," September 2014

U.S. Army Corps of Engineers (Sacramento), "California Water Law 101," June 2014

Panelist, "Water Neutral Programs in California," Symposium: Growing, Growing, Gone: Innovative Ideas in Resource Management, *Pacific Law Review*, Pacific McGeorge School of Law, April 2014

Association of Environmental Professionals, "Show Me The Water: California Water Law 101," June 2013

California Water Law Symposium, “California Water Law 101,” January 2013

California State University, Sacramento, “California Water Law 101 (for Undergraduates),” 2011-2013

Association of California Water Agencies, “Reasonable Use in the 21<sup>st</sup> Century,” December 2012

UC Davis and UC Los Angeles Extension, “Environmental Compliance for Water Projects,” 2003-2010

Northern California Water Association and Downey Brand Ethics Training for Local Agency Officials, “AB 1234: Laws Related To Personal Financial Gain by Public Servants,” Yuba City and Sacramento, 2006

Association of Environmental Professionals Conference, “Update on Endangered Species Act, National Environmental Policy Act & Clean Water Act,” 2005

California Association of County Planning Commissioners, Central District Spring Conference, “Water Availability and Land Use Planning: SB 610, SB 221, Urban Water Management Plans and the California Environmental Quality Act,” 2005

CLE International California Water Law & Policy Conference, “Defending Fish and Game Section 5937 Enforcement Actions,” 2005

CLE International Southern California Water Law & Policy Conference, “Guiding Your Water Project Through the Regulatory Rapids,” 2004

CLE International California Water Law & Policy Conference, “Working with the State and Regional Water Boards,” 2004

CLE International Southern California Water Law & Policy Conference, “Developments in Federal Species Protection and Water Supplies” and “Current Issues in ESA Reform: The Promise of Best Available Science,” 2003

#### **HONORS AND AWARDS**

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Hether C. McFarlane Teaching Innovation Award, McGeorge School of Law	2018-19
<i>Nominee</i> , Distinguished Teaching Award, UC Davis School of Law	2013
Public Interest Law Scholar, King Hall School of Law (student speaker)	1998
State Bar of California, Michael H. Remy Environmental Law Scholarship	1997

#### **SELECTED LEGAL WORK**

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General counsel for county water district, flood control district, and mutual water company

Lead counsel for cities, counties, special water districts, mutual water companies, ranches, vineyards, power companies, and individuals on water right applications, petitions and other proceedings at State Water Resources Control Board

Lead counsel in surface and groundwater water rights controversies and environmental litigation in state and federal courts

Expert counsel for development of environmental impact reports and other environmental compliance documents (California Environmental Quality Act, National Environmental Policy Act, Endangered Species Act, Fish and Game Code) for complex water projects, commercial and industrial facilities, flood control projects and residential housing projects.

Expert counsel to special districts and other water suppliers on financing issues including water rates, impact fees, regulatory fees and special assessments; litigated water finance issues including Proposition 218 and the Mitigation Fee Act

Expert counsel on public agency law such as the Brown Act (open meetings), Political Reform Act (conflicts of interest), Public Records Act (sunshine laws) and administrative records

Expert counsel on State Water Project and Central Valley Project contract, water allocation, and environmental compliance issues

Expert counsel on public agency water planning including Urban Water Management Plans, General Plans, water supply assessments and verifications, water use efficiency, and water conservation planning

Published opinions: *Turlock Irrigation District v. Zanker* (2006) 140 Cal.App.4th 1047 and *Nacimiento Regional Water Management Committee v. Monterey County Water Resources Agency* (2004) 122 Cal.App.4th 961