

Water

We understand today's water business model and have unmatched experience in developing creative solutions to water supply and quality issues. Clients regard us as vital partners, legal advisors, litigators, project managers and business counselors.

As one of the nation's premier water law practices, Brownstein's Water Group has unparalleled experience in every aspect of water rights, supply, use, distribution and policy. With a track record that includes the most significant and complex water projects and litigation in the nation, we are uniquely positioned to expertly handle any water resource issue, in any jurisdiction, nationwide. Our group understands the ins and outs of the acquisition, development, protection, disposition and regulation of any water supply.

We represent both public and private water producers, suppliers and providers, including municipalities, wholesale and retail water agencies, public utilities, industrial users, real estate and land developers, vineyards, ranchers, significant land owners and various water-related public policy organizations. Our diverse client portfolio has allowed us to develop experience on all sides of a water problem and to develop deep understanding of the goals and objectives important to specific types of water issues.

Our Water Group includes more than 30 attorneys with specialized water practices and licenses throughout the country and internationally. Our group's Shareholders and Senior Counsel average more than 20 years of legal experience in water. At Brownstein, you will find a partner to help you navigate virtually any water matter.



We have also represented clients in Hawaii, Australia, China and Mexico.
■ Licensed Brownstein Attorneys

Representative Matters

- A district encountered a dispute with a Local Agency Formation Commission (LAFCO) regarding jurisdiction over annexations and the district's provision of additional latent services. The district and LAFCO agreed to resolve their dispute through the introduction of special legislation rather than resorting to litigation. Services included drafting special state legislation, working with legislative consultants for the California Assembly and Senate, and governmental relations services.
- Provided legal services to the Central Coast Water Authority for all phases of planning, permitting, environmental compliance, right-of-way acquisition, construction and operation related to a \$600 million drinking water delivery system. The project included 150 miles of pipeline, multiple pumping stations and a water treatment plant. Construction disputes were largely resolved by negotiation, with one dispute being successfully defended in court.
- Successfully defended and settled a complex quiet title action involving competing claims to water rights and access to numerous groundwater wells.
- Defense of a municipal water provider in complex litigation disputing the classification of a groundwater basin and the jurisdiction of the State Water Board.
- Water counsel for a national land developer in support of a project located within the jurisdiction of a water district that imposed a moratorium on all new service connections.
- Representation of a landowner in the sale of a spring water supply.
- Special water rights counsel to a municipal water provider with respect to the licensing of surface water rights associated with two major reservoir projects.
- Since 1991, has served as General Counsel to the Central Coast Water Authority, including coordinating

legal services for all phases of planning, permitting, environmental compliance, right-of-way acquisition, construction and operation related to a \$600 million drinking water delivery system. The project included 144 miles of buried pipeline, multiple pumping stations and a water treatment plant. Resolved construction disputes by negotiation and successfully defended the Authority in related litigation.

- Represented a Southern California private country club in negotiations with a nearby city for the purchase of reclaimed water for use on the golf course.
- Provide assistance to land use consultant preparing CEQA documentation and processing permits for remediation of oceanfront site in Santa Barbara County, and negotiating and drafting option agreement with non-profit for purchase of site upon completion of remediation. Assisting client in obtaining adequate water supplies for land farming, dust control, and revegetation of impacted site with natives plants and in obtaining permits for relocation of major creek. Permitting included Federal, State, and County agencies. Remediation groundbreaking is imminent.
- 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.
- Representation of a large coalition of agricultural associations, representing nearly all agricultural interests in the Salinas Valley of California, with respect to the formation of a "groundwater sustainability agency" pursuant to the Sustainable Groundwater Management Act of 2014 for the Salinas Valley Basin.
- Defense of a municipal water provider in response to a water rights complaint filed with the State Water Board by a downstream water provider. The complaint raises numerous water right, water quality and environmental claims. The matter involves unique historical water rights dating back to the establishment of the missions in the mid-1700s.
- Special Counsel, Rancho California Water District. Represent RCWD in negotiations regarding formation of a joint powers agency to own and operate a regional wastewater treatment plant. 2013 to 2016.
- Special Counsel, City of Rialto. Represent Rialto regarding a wastewater change petition before the State Water Resources Control Board for the purpose of implementing Rialto's recycled water master plan. 2013 to present.
- Serves as General Counsel to the Goleta West Sanitary District, a public agency that provides wastewater collection and treatment services to 6000 customers in the Goleta Valley. Brownstein provides the District with advice on public agency operations, including meeting procedures, Brown Act compliance, conflict of interest issues, personnel, and public facility contracting. Brownstein attorneys also draft ordinances and resolutions and negotiate on behalf of the District with other local public agencies, including the University of California, Santa Barbara and the County of Santa Barbara.
- Served as Nevada water rights counsel to Quantum Utility Generation, LLC in connection with its purchase of general partnerships that together own an approximately 85 megawatt cogeneration facility located in Clark County, Nevada.
- On behalf of a joint powers authority, negotiated, drafted and implemented nearly a dozen drought water transfer and exchange agreements to supplemented imported State Water Project deliveries during historic and extended drought in California. Program optimized use of existing water supply and delivery infrastructure.
- 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.
- Representing a Central Coast corporation with significant water interest in litigation involving it's right to sell

water to whom it chooses.

- 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.
- Defended court challenge to the rezoning of Sterling Ranch development in Douglas County.
- Represented metropolitan district in five-day trial in Division Water Court over a change of ditch company shares.
- Advocated for policy changes and funding related to water efficiency, water reuse, water supply, and groundwater management on behalf of a water agency serving nearly 4 million people.
- Secured a ruling in the Sacramento Superior Court that validated the eleven year-old Colorado River Quantification Settlement Agreement and related agreements and secured a key component of long-term reliable water supply for San Diego County. Brownstein team's knowledge and experience of the California Environmental Quality Act (CEQA) played a major role in the victory of this litigation.
- On behalf of a collation of Colorado water districts, was successful in having federal legislation passed that secures approximately \$3 million in annual base funding for the Upper Colorado and San Juan fish recovery programs. (PL. 112-270)
- Representation of a real estate investment company in its \$285M refinance of an approximately 590 acres hotel and golf course resort property.
- Provide federal representation to an Indian tribe in connection with the federal legislation, which ratifies the tribe's water compact and authorizes federal funding for the tribe's water-related infrastructure projects. (PL.114-322)
- Represent one of the largest federal water contractors in the United States to ensure that its members have a long-term dependable supply of water to meet project purposes.
- Representation of several municipal providers, a regulated utility, a water district, and a mutual water company, in priority groundwater basins located around the state, with respect to implementation of the Sustainable Groundwater Management Act of 2014.
- Representation of all water supply and water quality components of a major agricultural entity's operations.
- General Counsel to the Central Coast Water Authority, a joint powers authority comprised of eight member agencies. CCWA is a wholesale water provider delivering State Water Project water to 13 water districts and private companies in Santa Barbara County, and another 11 water purchasers in San Luis Obispo County.
- Water counsel for a national land developer in support of a project located within the jurisdiction of a water district that imposed a moratorium on all new service connections.
- Represent Martin Marietta Materials, the largest aggregate producer in the Western United States, on all land use and environmental issues that arise from its quarrying and manufacturing activities. This work includes representing the company in litigation and administrative proceedings pertaining to alleged air, water and waste violations, as well as zoning and permit approvals.
- Represented the Santa Barbara Cattlemen's Association regarding various land use and environmental issues in administrative proceedings before the County of Santa Barbara, State Water Control Board, and Central Coast Regional Water Quality Control Board.
- Represented the purchaser in the \$90 million purchase of a portfolio of four apartment complexes in the Denver - Colorado Springs metro areas. Brownstein was Colorado counsel on the acquisition agreement, title and survey review and curative work, water rights due diligence and opinion letters for financing by FHLMC (Freddie Mac).

- 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).)
- On behalf of a national homebuilder, obtained approval of the Water Supply Assessment (SB 610) for development of a 1,500 acre-property in Southern California proposed to include 5,400 residential units and commercial uses. The project water supply included the use of imported water, surface water, groundwater, stormwater and recycled water supplies over a 30-year build-out. The project raised numerous water supply and water quality issues, including the production of groundwater from adjudicated and non-adjudicated basins, groundwater storage, conjunctive use, the delivery and use of imported State Water Project supplies, water re-use, flood protection and stormwater management.
- Successfully defended and settled a complex quiet title action involving competing claims to water rights and access to multiple groundwater wells.
- Water rights counsel for the acquisition and development of two major ski resorts.
- Water rights counsel to a prospective buyer for the acquisition of a Napa County vineyard.
- Water litigation counsel in CEQA litigation challenging a city's approval of a national land developer/home builder's large residential and commercial development in southern California.
- Negotiated and consummated the purchase of a member-only social club, club house, and related facilities located in Henderson, Nevada. Brownstein also advised the client on various real estate, development, corporate, water rights and business licensing matters.
- Brownstein attorneys won a broad reversal of the trial court's judgment in the complex, coordinated Quantification Settlement Agreement (QSA) cases. The trial-court judgment invalidated twelve of the historic QSA-related agreements, but as a result of this appellate decision, the largest agriculture-to-urban water transfers in United States history, and numerous Colorado River programs that have been created by the United States and other Colorado River Basin states based on the QSA, will continue to be implemented while the remaining issues are decided on remand by the trial court.
- On behalf of California building industry association, obtained invalidation of Numeric Effluent Limits in State Water Resources Control Board NPDES Construction General Permit for stormwater discharges. The Sacramento Superior Court invalidated NELs for turbidity and pH based on the Board's failure to support the NELs with sufficient evidence establishing that the NELs could be achieved, and its failure to undertake the necessary control technology analysis under the Clean Water Act for a NPDES permit.
- Brownstein is co-counsel for the Southern Nevada Water Authority in a six-week hearing before the Nevada State Engineer on SNWA's Clark, Lincoln, and White Pine Counties Groundwater Development Project. The case involves a 25,000 square mile region of east central Nevada and issues concerning groundwater modeling, basin of origin claims and environmental compliance.
- On behalf of an association of retail water providers in the West and Central groundwater basins, successfully 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 had sought 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).)

- Successfully defended a landowner's surface water diversions, including negotiation of a settlement with the California Department of Fish and Wildlife and the National Marine Fisheries Service regarding alleging violations of the state and federal Endangered Species Acts.
- Special water rights counsel to a wholesale water supplier with respect to the maintenance and protection of numerous water rights associated with the operation of ten major reservoirs.
- Special water rights counsel to two major municipal water providers with respect to the environmental compliance and water right and water quality permitting requirements associated with the development and delivery of recycled water within and outside the boundaries of the recycled water provider.
- Successfully defended mutual water company board of directors and management against challenge by shareholders to water transfers implemented by the company.
- Represented Golden State Water Company for the purchase of capacity in the Randall-Bold Water Treatment Plant owned by Contra Costa Water District.
- Negotiated agreement for project to line the historic All American Canal with concrete, allowing the conservation and transfer of 87,700 AFY from Imperial Irrigation District to San Diego County Water Authority. Brownstein attorneys also defended the project against transboundary litigation by groundwater users and environmental groups in Mexico.
- Conducted an inventory of water supplies and resource management for American States Water Company, an investor-owned utility that owns 42 utility systems in California and Arizona.
- Represented seller of Sacramento River water rights to the 2009 Drought Water Bank, including negotiation of water transfer agreement, acquisition of regulatory approvals and defense against environmental litigation. This water transfer was based on water conservation and groundwater substitution.
- Prepared multiple water supply assessments and written verifications for new land developments in California pursuant to Senate Bills 610 and 221.
- Negotiated the purchase of up to 19,500 AFY of water supplies from the Sacramento River for use in providing water utility service to new land development in Sutter County, on behalf of Golden State Water Company.
- Special water rights counsel to a city with respect to possible options for reorganization of the city's water and wastewater enterprises, which resulted in the city's election to undertake a municipal service review with the local LAFCO.
- East Cherry Creek Valley Water and Sanitation District (ECCV) acquired shares in the Burlington Ditch and sought to convert them to municipal use. Water users opposing the application argued that the proposed change would injure their water rights by allowing ECCV to use more water after the change than the Burlington farmers had when using the water for agricultural purposes. In 2008, the Division 1 water court agreed and found ECCV's proposed use injurious, on May 31, 2011 the Colorado Supreme Court affirmed the decision. Brownstein lead a group of five opposers at trial and on appeal.
- Represented Westlands Water District in a suit against the United States claiming \$1 billion in damages for breach of a contractual obligation by the Bureau of Reclamation to provide drainage facilities and services for approximately 150,000 acres of land in California's Central Valley.
- Negotiated and consummated the purchase of an 18-hole golf course, club house, and related facilities located in Henderson, Nevada. Brownstein also advised the client on various real estate, litigation, corporate water rights and business licensing matters.
- Counsel, Santa Ana Watershed Project Authority v. Orange County Sanitation District, JAMS Reference No. 1210030062 (2013) representing SAWPA.
- Representation of golf course in water rate proceeding before the Arizona Corporations Commission. Presentation of evidence and testimony regarding impacts of proposed increases in rates for course's irrigation water supplies.

- In two separate cases approved changes to Carson River water rights, pursuant to *United States v. Alpine Land & Reservoir Company*. Both cases included approvals to points of diversion, manner of use and place of use for decreed water rights.
- Brownstein was lead counsel in a federal district court litigation concerning the validity of Biological Opinions issued under the Endangered Species Act. This case affects the water supply for 20 million people.
- Litigation challenging State Board issued NPDES general permit for stormwater discharges associated with construction activities as violating the federal Clean Water Act and California's Porter-Cologne Act.
- 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.
- Lead counsel for Central Coast Water Authority in three cases involving validation and CEQA challenges to 1990's amendments to State Water Project contracts, and revised amendments that resulted from settlement of previous litigation challenges, and CEQA compliance for both.
- Represented a public utility district in federal district court to acquire property and water rights for use by the district for its recycled water operations. The district required additional property and water rights for use in conjunction with land application of recycled water from its wastewater operations and for recreational and agricultural purposes.
- Representation of the cities of Burbank and Glendale in the context of a judgement adjudicating the rights of the parties in the Upper Los Angeles River Area, including successful implementation of an agreement to optimize management of the San Fernando Basin.
- Counsel to one of California's largest wholesale water suppliers with respect to its compliance with the federal and state Endangered Species Acts for water supply and flood control operations in four major watersheds draining to the San Francisco Bay. The project included the development of a 50-year, multispecies habitat conservation plan (HCP) and associated implementation agreement and environmental compliance (CEQA and NEPA) documents; acquisition of incidental take permits from the NMFS, USFWS and the CDFG for approximately 25 covered terrestrial and aquatic species; and implementation of a complex, multi-agency settlement of a water rights complaint alleging violations of the public trust and CDFG Section 5937, including acquisition of the State Water Resources Control Board's approval of the settlement.
- Appeal surrounding challenges to the validation proceedings and CEQA compliance for a group of contracts between local, state, and federal governments regarding California water agencies' allocation of water from the Colorado River and the transfer of water from Imperial Irrigation District to San Diego County Water Authority .
- Protected Bottling Plant from interference by City Council resulting from pressure by non-profit groups adverse to bottled water industry.
- Represented a sand and gravel operator in a state court challenge to the denial of a county special use permit, in its defense against a challenge to its MLRB permit, and in obtaining a water augmentation plan to offset evaporative depletions.
- Served as Nevada water rights counsel for a Nevada Indian tribe in the development of a 200 MW concentrated solar project in southern Nevada.

- Advised Gunnison Energy on issues related to compliance with Colorado's evolving water laws governing water produced from coal bed methane wells.
- General Counsel, Chino Basin Watermaster, under the case Chino Basin Municipal Water District v. City of Chino, San Bernardino Superior Court Case No. RCV 51010. 2000 to 2012.
- Special Water Counsel, City of Indio. Assisted City of Indio in disputes and litigation regarding water use and management of the Coachella Groundwater Basin. 2008 to 2014.
- Lead Counsel, Antelope Valley Groundwater Adjudication, Los Angeles Superior Court, Judicial Council Coordination Proceeding 4408 representing long-time water user landowners. 2002 to 2016.
- Represented a town with substantial groundwater rights in Nevada's Carson River Valley with regard to water rights litigation commenced by the Pyramid Lake Paiute Tribe of Indians. Litigation included challenges to State Engineer rulings on water right change applications for new development. Cases were filed in both federal district and state district courts and involved issues of jurisdiction and venue in addition to substantive water law. Appeals were filed by the Tribe in the Ninth Circuit Court of Appeals and the Nevada Supreme Court.
- Lead counsel and principal negotiator in adjudicating and purchasing direct flow and storage water rights for the Silverton Ski Area.
- Prepared a paper on behalf on the governors of the 8 Great Lakes States, recognized as the "Lochhead Paper." Recommended an interstate compact as a framework for comprehensive management of water withdraws from the Great Lakes basin. The "Lochhead Paper" initiated a successful effort by the states toward negotiation of a Great Lakes Compact, which was approved by Congress and signed by the President.
- Represent a major hydroelectric utility company in litigation against the State of Idaho and Bureau of Reclamation regarding whether contracts between the parties obligated the federal government to release water from its upstream reservoirs to ensure certain flows in the Snake River.
- Represented the Southern Nevada Water Authority in achieving new water supplies to supplement its existing reliance on the Colorado River. Representation included the funding for start up of the Yuma Desalting Plant, the development of ocean desalination facilities and conservation projects in Mexico and the development of in-state water supplies.
- Represented the Albuquerque Bernalillo County Water Utility Authority as bond counsel in the issuance of \$55.6 million Joint Water and Sewer System Improvement Revenue Bonds, Series 2008A.
- Represented a coalition of the major Colorado utilities and water districts that utilized the Colorado River, in the negotiation of guidelines for management of federal Colorado River Reservoirs; the adoption of shortage and surplus guidelines and the development of efficiency and conservation measures, that the Secretary of the Interior called the most important agreement on the river since the 1922 Colorado River Compact.
- Mediated and facilitated a basinwide agreement in the Pecos River basin that settled major aspects of a basinwide water adjudication, reduced groundwater depletions and assured compliance with the US Supreme Court decree in Texas v. New Mexico. The agreement has been successfully implemented and New Mexico now enjoys a surplus on the Pecos River.
- Served as bond counsel to the Albuquerque Bernalillo County Water Utility Authority on the issuance of \$150 million in Joint Water and Sewer System Improvement and Refunding Revenue Bonds.
- 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.

- Defended CEQA challenge to Spring Water agreement in trial and appellate courts. Provided NEPA, CEQA and land use compliance advice for project development including construction of bottling facility and construction of pipelines in federal forest land.
- Defended CEQA challenge to the City's renewal of its long-term Central Valley Project water supply contract in trial and appellate courts.
- Wrote amicus briefs in state and federal appellate courts on various CEQA and water rights issues.
- Defended CEQA challenge to All American Canal Lining Project in trial and appellate courts.
- Handled all environmental and water compliance issues with the State of Colorado for a large animal production facility and achieved a favorable settlement for a number of alleged violations of environmental compliance laws at their facilities.
- Counsel the owner of Foley Estate Vineyard and his entities in performing acquisition due diligence, and in operational land use, water rights and entitlement issues.
- Successful negotiation of 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.
- 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.
- Represented land developer for formation of an investor-owned water and wastewater utility company in Alabama.
- Ongoing representation of multiple buyers and sellers of water rights in the Sacramento River system for negotiation and implementation of water transfers.
- 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.
- Representing developer for large multi-family real estate project in Napa County, California related to water supply and utility issues, including use of groundwater, water transfers, conjunctive use, and water reuse and recycling.
- Representing private equity project developer for negotiation of groundwater subscription agreements and public-private partnership to construct an 80-mile water supply pipeline in southwest Texas.
- Represented the District before the California State Water Resources Control Board (SWRCB), regarding renewal of water right permits for a USBR owned reservoir and before the National Marine Fisheries Service with respect to Endangered Species Act compliance for listed steelhead. Representation included coordination with USBR, who holds the water right permits, and other project members holding water right entitlements in the reservoir for environmental compliance with CEQA, development of a biological assessment and biological opinion, and protection of downstream water rights interests.
- 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.
- Represented the Yuma County Water Authority Public Improvement District in the \$20 million acquisition of all senior surface water rights on the North Fork of the Republican River in Colorado, as well as the lease of water rights to the Republican River Water Conservation District for use in Colorado's compliance under the

Republican River Compact.

- Served as bond counsel in the issuance of \$750,000 in General Obligation Bonds, Series 2008, for financing public improvements for the Arapahoe Lake Public Park District in Arapahoe County, Colorado.
- Prosecute water right applications with the State Water Resources Control Board for supplemental water to meet general plan needs.
- 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.
- Special Water Counsel, Arrowhead Lake Association, 2004 to present.
- Served as litigation counsel for California water agency in litigation and appeals challenging the 2003 Quantification Settlement Agreement and related agreements governing Colorado River rights.
- Defended key California water agency in California Environmental Quality Act (CEQA) challenge to 2003 Quantification Settlement Agreement.
- The 2003 Quantification Settlement Agreement (QSA) and related agreements in a water dispute involving the Colorado River Agreements among the United States, California and the largest water agencies in Southern California. Litigation counsel for key water agency in litigation and appeals challenging the agreement for litigation that has been coordinated in the Sacramento Superior Court and includes an action to validate the QSA agreements and several actions that allege that the water transfers and the QSA PEIR do not comply with CEQA.
- Multiparty litigation with over 1,000 plaintiffs regarding claims of contamination of drinking water causing injury. Successful trial and Supreme Court and Appellate Court results with finding of no liability to water provider clients.
- Represented a public utility district in federal district court in a CERCLA action commenced by the Forest Service against multiple parties regarding groundwater contamination stemming from the contribution of waste, location of a district wastewater pipeline, and improper operation and closure of a landfill. The case was successfully resolved in the district's favor by entering into a consent decree and settlement agreement, neither of which required payment by the district. The district's legal costs were fully paid as a result of identifying and obtaining insurance coverage.
- Contamination litigation under common law, litigated/settled in favor of client valued over \$60M.
- MTBE Contamination - Resolved the matter by coming to an agreement with Shell Oil that they would purchase the City Pumping Station; in addition they would pay for the purchase of substitute property as well as the increased costs in infrastructure development. Shell paid the City over \$8M to accomplish these resolutions.
- Cost recovery/CERCLA suit involving cleanup in the San Gabriel Valley.
- Successfully settled reimbursement claim by water company against four major oil companies with no direct evidence of whose MTBE impacted the well.
- Supervision of the preparation of a wide variety of environmental documents (from Notices of Exemption to Environmental Impact Reports) for infrastructure construction, State Water Project water transfers, and water banking.
- Advised private project developers related to proposed desalination plants in Mexico and water supply pipelines to the United States.
- Representing Golden State Water Company in adjudication of the Los Osos groundwater basin in California, including development of a Basin Plan. The Basin Plan is an innovative water resources plan that includes significant projects related to urban water use efficiency improvements, groundwater treatment, water reuse and recycling, prevention of seawater intrusion and establishment of a water market and watermaster.

- Represented the City of Rio Rancho, New Mexico as disclosure counsel in the issuance of \$13.2 million Water and Wastewater System Revenue Bonds, Series 2008.
- Represented Grupo Cementos de Chihuahua, S.A. de C.V. in its asset purchase of Alliance Concrete, a concrete manufacturing company in Iowa, and also in numerous air and water penalty proceedings.
- 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.
- Lead Counsel, Santa Ana Water Rights Hearing, State Water Resources Control Board (November-December 2007) representing the Chino Basin Watermaster.
- Represented Lennar Colorado, LLC, a large Colorado developer, in a complex option to purchase and share in the construction and development of a private golf course community in Adams County, Colorado.
- Brownstein represented a water and sewer district in the condemnation of 1,400 acres of land and 2,300 acre-feet of surface water rights on a river for use in connection with the district's recycled water operations. Condemnation was commenced in Federal Court after pre-condemnation negotiations did not result in an amicable purchase.
- Advised a major California city on reorganization of its water, wastewater and solid waste utilities, including evaluation of dependent and independent special district, privatization and public-private partnership options and financing. Legal services were provided in conjunction with financial consultants to advise the city on developing an option to meet its short and long term financial goals and commitments.
- Represented an individual purchaser in the acquisition of a 6,258-acre ranch with associated water, lease and easement rights and personal property in Jackson County, Colorado.
- Successfully represented the City of Seaside in the Seaside Groundwater Basin adjudication, including negotiation of settlement of overlying water right claims and litigation of basin management plan.
- Lead Counsel, Lake Arrowhead Enforcement Hearing, State Water Resources Control Board (November 2005) representing the Arrowhead Lake Association.
- Santa Maria Groundwater Basin Adjudication Phase III Trial Team Member, Santa Clara County Superior Court (October 2004).
- Developed water supply strategy for 80,000-acre ranch property on the California Central Coast, including development of water rights and imposition of a conservation easement.
- Successfully obtained the State of California's approval of the largest agriculture to urban water transfer in the history of the United States, from Imperial Irrigation District to San Diego County Water Authority for up to 200,000 acre-feet per year for 75 years. The matter involved the negotiation of a series of complex agreements between state and federal agencies for the settlement of disputes related to California's allocation of Colorado River water.
- 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.
- On behalf of an association of retail water providers in the West and Central groundwater basins, successfully 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 had sought 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).)

- Representation of the San Diego County Water Authority in a validation action involving wheeling rates in Metropolitan Water Dist. of Southern California v. Imperial Irr. Dist. (2000) 80 Cal.App.4th.
- Litigation counsel for an association of groundwater producers' efforts to amend an existing adjudication to promote conjunctive use of the West Coast and Central groundwater basins, improve local self-sufficiency and increase overall water supply reliability for the millions of people living and working in the greater Los Angeles area.
- Representation of multiple groundwater stakeholders (agriculture and other private landowners, municipal providers, regulated utilities, water districts, and mutual water companies), in priority groundwater basins located around the state, with respect to implementation of the Sustainable Groundwater Management Act of 2014.
- Successfully defended and settled complex and high stakes water rights litigation that threatened to enjoin a municipality's groundwater production and operation of a \$30 million groundwater treatment facility, which in turn would have forced the client to rely entirely on costly and less reliable imported supplies. The settlement implements a physical solution that protects the client's water rights, permits continued operation of its facilities and substantially reduces the threat of future litigation.
- Water rights counsel to a large mutual water company, including maintenance and protection of its rights in an adjudicated groundwater basin.
- Amicus curiae on behalf of a regulated utility and groundwater user in City of Barstow v. Mojave Water Agency (2000) 23 Cal.4th 1224.
- Defense of a municipal water provider in litigation disputing the nature of a groundwater basin and the jurisdiction of the State Water Board.
- Representation of a joint powers authority with respect to the assignment of a State Water Project contract.
- Defended NEPA, Endangered Species Act, Clean Water Act and Federal Power Act challenge to FERC's issuance of a 50-year permit renewal for hydroelectric dam for major utility in Ninth Circuit Court of Appeals.
- Special Counsel, Agricultural Company of America. Assist private agricultural holding company with due diligence regarding water rights for property acquisitions in multiple Western jurisdictions. 2014 to present.
- Water rights counsel for a resort and golf course in a drainage dispute with neighboring homeowners association.

News & Events

- Chris Frahm Receives San Diego Business Journal's 2016 Women Who Mean Business Award
- Brownstein's Natural Resource Group Secures Decisive Appellate Victory for Much Needed, New Water Supply
- Brownstein's Chris Frahm Wins Big Verdict in California's Ongoing Water Wars
- Drought will make water pricey, stymie development
- Ryan Waterman Joins Brownstein's Water Group
- Your Desktop Reference to the Sustainable Groundwater Management Act of 2014
- Legislature Passes Historic Legislation Fundamentally Changing California Groundwater Law
- Amy Steinfeld to Speak at the 29th California Water Law & Policy Conference
- Brownstein Hyatt Farber Schreck Develops Winning Water Quality Joint Proposal for XTO Energy, Inc., and Pioneer Natural Resources (USA), Inc.
- Water & Agriculture: A Real Asset Investor Summit
- American Waterworks Pacific Northwest Section Annual Spring Conference
- The Water Resources Investors Event

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.

ARTICLE

Serving Development During Drought: Creative & Sustainable Solutions

Posted on July 31, 2017 by Brownstein Water Group

Authors: Amy Steinfeld & Jessica Diaz This article was originally published in the August 2017 issue of Santa Barbara Lawyer, a publication of the Santa Barbara County Bar Association. For much of the past five years, drought and development were on a collision course. Just as ... [Continue Reading »](#)

ARTICLE

CEQA News You Can Use – Vol. 2, Issue 2 – July 2017

Posted on July 24, 2017 by Brownstein Water Group

Welcome to CEQA News You Can Use, a quarterly publication of Brownstein Hyatt Farber Schreck, LLP's Natural Resources lawyers. This publication is intended to provide quick, useful bites of CEQA news that we hope can be a resource for your real-time business decisions. That said, it is not and cannot be construed to be legal advice. Enjoy!

ARTICLE

What's Next for California's Water Supplies as the Rainy Season Comes to an End?

Posted on May 30, 2017 by Brownstein Water Group

Author: Jessica Diaz Editor: Amy Steinfeld The conclusion of California's five-year drought was undeniably dramatic. The recent Sierra snowpack survey by California's Department of Water Resources showed water content 196 percent above the long-term average. The 2017 water year was the wettest on record for Northern California. And in April, the governor lifted California's declaration of drought ... [Continue Reading »](#)

Publications Blog

Brownstein Water: Current Trends in Water Law & Policy

Publications and Presentations

- **Brownstein Water: Current Trends in Water Law & Policy**
- **As Newcomers to the Industrial Storm Water Permit, Wineries, Breweries and Distilleries Have Options to Comply**
- **Women Water Leaders from Around the State Gather to Discuss California's Pressing Water Supply Issues**
- **Five Things to Know About the State Water Resources Control Board's Draft Climate Change Resolution**
- **Strengthening EPA Water Transfers Rule At The 2nd Circ.**
- **Discharge Permits Not Required to Transfer Water: Court Upholds EPA Rule**
- **California Water Rights: Compliance Checklist for 2017**
- **New State Water Measurement Requirements for All Surface Water Users (10+ acre-feet)**
- **President Signs Sweeping Water Legislation to Address Nation's Water Woes and to Aid Parched California**
- **California Declaration That Watersheds Are Integral Components of State's Water Infrastructure Unlocks New Funding Sources for Forest Restoration**

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