



Hanson Bridgett Practice Group Water Law

Hanson Bridgett lawyers have decades of experience representing individuals, private companies, and governmental agencies in water rights and water resource issues. Our clients include ranchers, farmers, developers, urban water suppliers, and irrigation and reclamation districts in California, Colorado, Arizona, Idaho, New Mexico, and Nevada. We have also participated in the adjudication of water rights before administrative agencies and in state and federal courts in several western states. We have worked with federal water masters under existing federal river decrees, and litigated these issues in federal and state courts in several western states.

Our attorneys are knowledgeable, creative and hardworking. Whenever possible, we seek solutions to problems that will avoid disputes and litigation. When necessary, we are prepared to be tenacious advocates for our clients, bringing to bear our extensive experience in trial and appellate courts.

Areas of Expertise

We have successfully assisted clients in all stages of water projects, including:

- Acquiring water rights from states and adjudicating water rights within watersheds through the appropriate state agencies
- Navigating through the often complex, and sometimes overlapping, approval process with other regulatory agencies, frequently involving NEPA, CEQA, and the associated environmental documentation

Our attorneys are knowledgeable, creative and hardworking. Whenever possible, we seek solutions to problems that will avoid disputes and litigation.

- Acquiring real property through purchase or lease, which sometimes requires the exercise of clients' eminent domain powers
- Securing funding (including federal and state grants or loans when available), and issuance of both tax-exempt and taxable bonds and other financing vehicles
- Constructing projects, including compliance with state competitive bidding laws, use of both conventional and alternative project delivery mechanisms (such as design-build or design-build-operate), preparation of state-of-the-art construction contracts, resolution of disputes during construction, and warranty enforcement after completion
- Advising clients on the reconveyance of appropriative and riparian rights and drafting of all necessary legal documents
- Advising and representing clients regarding change applications for the points of diversion, manner of use and place of use, as well as defending and prosecuting protests of water right change applications before the California Water Resources Control Board and State Engineers
- Defending and prosecuting class action lawsuits in state or federal courts to protect existing water rights, as well as Petitions for Review of decisions before the Water Resource Control Board
- Preparing appellate briefs and arguments before all levels of state appellate courts and the federal Circuit Courts of Appeal, as well as the United States Supreme Court

- Determining the scope of landowners' overlying water rights and whether approval is necessary from the state agency with primary jurisdiction over water rights and, if so, securing the required permits and licenses
- Protecting clients' water rights against competing applications or interference from governmental agencies, including prosecution of "takings" claims under both the federal and California constitutions
- Distributing water to customers and other end users, including resolution of disputes over price and quality

Our Experience

We have experience with a wide range of project types, including:

- Surface water diversions, including fish screens
- Surface water reservoirs, including fish passage facilities
- Hydroelectric power generation
- Groundwater extraction
- Large scale groundwater appropriation and interbasin transfer projects
- Conjunctive use programs, including groundwater recharge with both native and imported water
- Banking arrangements in off-site groundwater storage
- Recycled water acquisition, transmission and distribution
- Desalination of brackish groundwater
- Water treatment plants
- Water transfers

We routinely interact with federal, state, regional and local agencies involved in water supply projects, including:

- U.S. Army Corps of Engineers
- U.S. Bureau of Reclamation
- U.S. Bureau of Land Management
- U.S. Fish and Wildlife Service
- U.S. Natural Resources Conservation Service



- U.S. Forest Service
- U.S. Environmental Protection Agency
- NOAA Fisheries
- National Park Service
- California State Water Resources Control Board
- California Department of Water Resources
- California Coastal Commission
- Regional Water Quality Control Boards
- Counties and Cities

We regularly assist urban water supply agencies with their on-going responsibilities, including:

- Safe Drinking Water Act compliance
- Endangered Species Act
- Wetlands delineation and protection
- Dredge and fill permits under the federal Clean Water Act
- Urban water management plans preparation
- Groundwater management plans
- Water Supply Assessments (under SB 610).
- Water conservation measures and rationing ordinances
- Rate structure design
- Wholesale-retail water supply contracts

We are counsel to and advocates for large agencies and individual water users with interests under the Federal Reclamation Act, including:

- Application of Department of Interior operating criteria and procedures
- Negotiation of contracts with the Bureau of Reclamation
- Acquisition, operation and financing of hydroelectric plants
- Implementation of federally-sponsored settlement acts related to protection of endangered species
- Preservation of rights under federal water rights decrees
- Federal and state court litigation of decrees, statutes and regulations affecting water rights

