Water Law

Downey Brand water law attorneys perform at the cutting edge of water law issues in all aspects of water supply development and management as general or special counsel to a broad spectrum of clients. These include cities, counties, special districts, farmers, ranchers, mutual water companies, real estate developers, financial institutions, ski resorts, and mining companies.

Since the firm's earliest work for water users and suppliers in the Sacramento and San Joaquin Valleys established its historic Central Valley presence, clients statewide now count on our water law expertise – on the Central Coast, the Inland Empire and Southern California regions, the eastern slope of the Sierra Nevada, and the entire north state. Downey Brand water law attorneys provide strategic and substantive expertise in water rights, water supply, water transfers, water quality, groundwater, federal reclamation law, all aspects of public agency law, and overall in meeting the relentless challenges of ever-increasing demand in a constantly evolving legal and political framework.

Our water law attorneys guide clients daily in the means to acquire, perfect, and defend water rights, regularly preparing and prosecuting applications for rights to appropriate water before the California State Water Resources Control Board. Downey Brand attorneys analyze and evaluate water rights in connection with property acquisitions, including real estate developments, as well as agricultural, energy and mining ventures, whether the need is to address pre-1914 rights, riparian rights, groundwater and underflow rights, or general appropriative rights.

With water supply demands burgeoning throughout the western states, water transfers have emerged as an essential means of meeting new demands. Our water law attorneys expertly structure and document water marketing transactions, and guide them through both state and federal regulatory approval processes. Downey Brand has also been involved in all water transfer legislation addressed by the California Legislature, uniquely situating our lawyers to master this complex area and to occupy their influential place among California's water policymakers.

The increasing importance of groundwater as a source of water supply for California has driven dynamic growth in the firm's groundwater practice. Downey Brand water law attorneys evaluate groundwater rights, act as special counsel to public agencies developing groundwater sustainability plans pursuant to the Sustainable Groundwater Management Act and form groundwater sustainability agencies, including the development of special agencies established by the California Legislature.

A significant number of the firm's water law clients also hold water supply, repayment, water rights settlement, or operations and maintenance contracts with the United States Bureau of Reclamation. Our water law attorneys are well-versed in all aspects of federal reclamation law, how this specialized area of the law interrelates with relevant state law, and counsels both public agencies and private parties on compliance with reclamation law.

Several of our water law attorneys devote substantial parts of their practices to general counsel services for public agencies that provide water, wastewater, flood control, and other services. This work includes advice on the Brown Act, Public Records Act, elections, conflicts of interest, state-mandated costs, employee relations,

condemnation procedures, and construction, as well as state and federal legislative matters.

Selected Experience

- Representing two regional water agencies in Southern California in obtaining water rights to storm water sufficient to supply a city of more than 100,000 inhabitants.
- Successfully defending a proposed permit revocation by the State Water Resources Control Board.
- Regularly serving as counsel for water districts and water companies selling water from the Sacramento Valley to areas south of the Delta.
- Advising a Southern California water district in relation to overdraft conditions without commencing a groundwater adjudication.
- Representing a group of more than 20 farmers in a stream adjudication of more than 2,000 parties involving riparian, appropriative, and groundwater issues.
- Representing a vineyard in Sonoma County in connection with its application for rights to water in streams flowing through the property.
- Negotiating a purchase by a Bay Area municipal water supplier of a State Water Project entitlement from an agricultural water district in the San Joaquin Valley.
- Negotiating an agreement between San Joaquin Valley cities and an irrigation district to finance and construct a water treatment facility which will supply municipal and industrial users with water previously used for agricultural purposes.
- Negotiating a water transfer from a Sacramento Valley mutual water company to a California State Water Project customer, the largest ever of its kind in.
- Representing a groundwater management district in litigation to protect the rights of the overlying landowners from prescriptive claims by multiple cities.
- Advising public agencies on the design, financing, permitting and construction of major fish screening projects on the Sacramento River.

Trade Groups

- American Bar Association Section of Environment, Energy, and Resources
- Association of California Water Agencies (ACWA)
- Association of Women in Water, Energy & Environment (AWWEE)
- California Association of Sanitation Agencies (CASA)
- California Construction and Industrial Materials Association (CalCIMA)
- California Stormwater Quality Association (CASQA)
- Groundwater Resources Association (GRA)
- Northern California Water Association (NCWA)

- Water Education Foundation