



Meredith E. Nikkel Partner

621 Capitol Mall | 18th Floor
Sacramento, CA 95814

916.520.5211 | Direct
mnikkel@downeybrand.com

Practice Areas

CEQA / NEPA | Endangered Species | Groundwater Law | Regulatory Law
& Business Permitting | Sustainable Groundwater Management Act
(SGMA) | Water Law | Water Rights Litigation

Meredith Nikkel tackles water and environmental disputes with the discerning eye of a litigator and the innovative thinking of a strong problem solver.

Meredith's practice addresses complex legal issues with novel solutions at all levels, from administrative proceedings before the State Water Resources Control Board to state and federal trial and appellate courts. Serving private and public entities, Meredith provides insightful analysis that achieves results.

She has successfully defended public agencies in civil and writ proceedings, settled multi-party groundwater disputes both informally and in court, and represented a broad group of water users in administrative and state court proceedings related to the California WaterFix project. She is currently defending contracts held by senior water right holders in a complex federal court case that involves multiple water user, environmental and federal government interests. Meredith also counsels water managers, boards of directors, and public agencies on surface and groundwater supply issues (including under the Sustainable Groundwater Management Act), reclamation law, and compliance with environmental laws such as CEQA, NEPA, and the Endangered Species Act. Her past experience at the federal court of appeals and as a litigator at an international law firm give her the tenacity to untangle the most complicated legal issues, and the perspective to distill those issues effectively to achieve resolution.

Experience

- Successfully defend municipality in a challenge to policy designed to ensure future water supply and demand neutrality.
- Settle multi-party groundwater dispute in state court.
- Defend historic settlement contracts held by senior water rights in federal court.
- Defend public and private water rights in proceedings before the State Water Resources Control Board, including pursuing water rights applications, filing protests to change petitions, and opposing a permit revocation.

- Advise private and public entities on compliance with and implementation of the Sustainable Groundwater Management Act, including representation of clients in state court actions.
- Prosecute and defend writ of mandate actions in civil court.
- Counsel public entities regarding water rights in adjudicated and unadjudicated groundwater basins.
- Advised court-appointed Watermaster in the *City of Los Angeles v. City of San Fernando* groundwater adjudication (Los Angeles County).
- Represent agricultural landowner in negotiations with Bureau of Reclamation to establish contractual and pre-existing water right.
- Advise public agencies in compliance with the Endangered Species Act and California Environmental Quality Act, including preparation of environmental documents and defending and pursuing litigation.
- Obtained summary judgment on behalf of a special district in a multi-million dollar tax refund claim.
- Resolved foreclosure actions under the Mello Roos Act on behalf of special district.
- Obtained summary judgment in favor of investors in property subject to mechanic's lien.
- Served as pro bono amicus counsel in immigration matter argued in the Ninth Circuit.

Professional & Community Service

- Sacramento Tree Foundation, Board of Directors, 2018-present
- California Water Law & Policy Conference, Co-Chair, 2018-present
- California Water Law & Policy Reporter, Editorial Board Member, 2013-present
- University of California at Davis Extension, Groundwater Law & Hydrology, Instructor, 2014-present
- California Lawyer's Association, ELS Diversity & Inclusion Fellowship Program, Mentor, 2019
- McClatchy Law and Public Policy Academy, Mentor, 2013-2014
- Sacramento County Bar Association, Environmental Law Section, 2012-present
- Association of Women in Water, Energy and Environment, 2012-present; Regional Team Member, 2012-2017
- Anthony M. Kennedy Inn of Court, Former Associate Member, 2009-2011
- Alameda County Court Appointed Special Advocate (CASA), 2003-2004
- Stanford Law & Policy Review, Former Co-President

Education

- J.D., with distinction, Stanford Law School, 2007
- B.A., *summa cum laude*, University of California at Berkeley, 2002

Honors & Rankings

- *Sacramento Business Journal*, 40 Under 40, 2019
- *Sacramento Magazine*, Top Lawyer, Environmental, Energy & Natural Resources, 2015-2020
- Clerkship, Judge Barry G. Silverman, Ninth Circuit Court of Appeals, 2007-2008

Speaking Engagements / Events

- *The Intersection of Water Law and the Endangered Species Act*, Panelist, Lorman Live Webinar, December 20, 2019
- *SMGA and Groundwater Adjudications*, Presenter, LSI Conference on Sustainable Groundwater Planning in California, July 25-26, 2019
- *Overview of Bay-Delta Actions*, Co-chair and Presenter, Argent's 34th Annual California Water Law & Policy Conference, June 21, 2019
- *An Introduction to the Laws Governing the Bay-Delta: All the Acronyms You Need to Know, and What They Mean*, Co-panelist, ACWA 2019 Spring Conference & Exhibition, May 7-10, 2019
- *Groundwater Law and Hydrology*, Co-Instructor, UC Davis Extension, February 13, 2019
- *2018 ACWA Legal Briefing & CLE Workshop Presented by Downey Brand LLP*, ACWA 2018 Fall Conference & Exhibition, November 27, 2018
- *Water Projects, Rights and Management in the Era of Changing Supply*, Co-Chair and Presenter, Argent Communications 33rd Annual California Water Law & Policy Conference, June 11-12, 2018
- *Water Rights and the ESA: How Do ESA-imposed Restrictions on Water Management Affect the Exercise of a State Water Right?*, Moderator, ACWA's 2018 Legal Affairs Committee CLE Workshop, May 8, 2018
- *California's Water Law, Policy and Regulation: Coping with Drought, Floods and the New Federal Administration*, Argent Communications 32nd Annual California Water Law & Policy Conference, June 12-13, 2017
- *California WaterFix: An Adventure in Administrative Law*, Presenter, Argent Communications 32nd Annual California Water Law & Policy Conference, June 12, 2017
- *Sustainable Groundwater Management Act*, Co-instructor, UC Davis Extension, April 21, 2017
- *Water Quality & Allocation: SWRCB Overview & The Delta Water Quality Control Plan*, Panelist, McGeorge Water Law Symposium - The SWRCB Turns 50, March 11, 2017
- *Sustainable Groundwater Management Act 2.0*, Presenter, State Bar of California Environmental Law Section Seminar, November 7, 2016
- *Establishing the Limits of State Water Board Authority During Droughts: Overview of SWRCB Actions During the Recent Drought*, Presenter, Argent Communications 31st Annual California Water Law & Policy Conference, June 13, 2016
- *Navigating the Labyrinth: What Public Agency Attorneys Need to Know About Water Rights and Drought*, Co-presenter, Municipal Law Institute 2016 Symposium, February 5, 2016

- *Rights and Limitations on Groundwater*, Presenter, Sacramento Sierra Chapter of the Appraisal Institute 2015 Lake Tahoe Conference, October 22, 2015
- *Sustainable Groundwater Management Specialization Program*, Co-instructor, UC Davis Extension, September - October 2015
- *Refining the SWRCB's Drought Response in 2015: Curtailments and Conservation - Emergency Rulemaking as a Response to Drought*, Presenter, Argent Communications 30th Annual California Water Law & Policy Conference, June 15, 2015
- *Groundwater Adjudications in the Age of Sustainable Groundwater Management*, Presenter, Association of California Water Agencies Spring 2015 Conference, May 6, 2015
- *The Impact of Water Right Curtailments on Land Use Development*, Presenter, California Land Use Law & Policy Conference, March 9-10, 2015
- *Down the Rabbit Hole: California's Alice-in-Wonderland World of Subterranean Streams*, Presenter, Groundwater Resources Association of California and USCID Water Management Conference, March 6, 2014

Publications

- *Wildfires, Farms, Fish and Meeting Water Demands*, Daily Journal, August 30, 2018
- *Water Rights and Environmental Regulation: A Lawyer's Guide*, American Bar Association, August 2018
- *Preparing for Sustainable Groundwater Management: A Review of Groundwater Recharge*, California Water Law & Policy, March 2017
- *California Groundwater Management: Laboratories of Local Implementation or State Command and Control?*, Environmental Law News, Vol. 25, No. 2, Fall 2016
- *California Governor Brown Approves Assembly Bill 2551, Which Broadens Public Contracting Options for Surface Water Storage Projects*, California Water Law & Policy Reporter, Vol. 27, No. 2, November 2016
- *Still Waiting for a Federal Response to the Drought: A Legislative Update*, California Water Law & Policy Reporter, May 2016
- *Does Every Drop Really Count? An inconsistent Accounting of California's Water Supply*, California Water Law & Policy Reporter, Vol. 26, No. 3, December 2015
- *Union of Concerned Scientists Proposes Best Practices to Achieve Goals of the Sustainable Groundwater Management Act*, California Water Law & Policy Reporter, Vol. 26, No. 2, November 2015
- *A Federal Response to the Drought – Three Bills Pending in Congress*, California Water Law & Policy Reporter, Vol. 25, No. 11, August/September 2015
- *Environmental Groups File Suit Against San Francisco Challenging Hetch Hetchy Reservoir*, California Water Law & Policy Reporter, Vol. 25, No. 9, June 2015
- *U.S. Bureau of Reclamation Finds No Significant Impact for Trap and Haul Operation in Conjunction with San Joaquin River Settlement Agreement*, California Water Law & Policy Reporter, Vol. 25, No. 7, April 2015

- *State Water Resources Control Board Partially Approves Temporary Changes to the State Water Project and Central Valley Project Water Rights Permits*, California Water Law & Policy Reporter, Vol. 25, No. 6, March 2015
- *Ninth Circuit Upholds Biological Opinion Regarding Impacts of Central Valley Project and State Water Project Operations on Salmonid Species*, California Water Law & Policy Reporter, Vol. 25, No. 5, February 2015
- *United States-Mexico Agreement Represents Cooperative Approach to Address Water Allocation Issues on the Colorado River*, Water Resources Committee Newsletter, American Bar Association Section of Environment, Energy, and Resources, Vol. 15, No. 1, February 2013
- *California Water Law & Policy Reporter*, Monthly Contributing Writer, 2012-Present
- *Association of California Water Agencies*, Contributing Writer, Summary of Appellate Cases, January 2012

Legal Alerts

- *WaterFix EIR Certification and NOD Client Alert*, July 24, 2017
- *Governor Signs Sustainable Groundwater Management Act Part II: Groundwater Adjudications Meet Groundwater Management*, October 13, 2015
- *Drought Deepens – State Water Resources Control Board Adopts New Stricter Rules*, March 24, 2015
- *The New Groundwater Legislation: Opportunities and Challenges*, September 2, 2014
- *Sacramento River Settlement Contractors Ask U.S. Supreme Court to Review Scope of Endangered Species Act*, July 15, 2014
- *Farm Lenders and Farming Organizations File Amicus Brief in Crucial Ninth Circuit Water Case*, May 23, 2014
- *Updated Water Supply Amounts for State and Federal Projects*, April 21, 2014

Blogs

- *Trump Administration Announces Three Rules Making Sweeping Changes to Federal Endangered Species Act Regulations*, August 20, 2019
- *DWR Certifies EIR for WaterFix, Triggering 30-Day Deadline for Opponents to File Suit*, July 25, 2017