



Brian E. Hamilton Counsel

621 Capitol Mall | 18th Floor
Sacramento, CA 95814

916.520.5340 | Direct
bhamilton@downeybrand.com

Practice Areas

CEQA / NEPA | Endangered Species | Environmental/Toxics Litigation |
Groundwater Law | Sustainable Groundwater Management Act (SGMA) |
Water Law | Water Rights Litigation

Brian Hamilton applies his litigation skills to help water clients achieve results in and out of the courtroom.

Brian's practice focuses on [water rights litigation](#) and related [environmental disputes](#) that can have substantial impacts on critical water supplies for agricultural, municipal, and industrial users. Brian has extensive experience in groundwater litigation and advising both public and private clients on [SGMA](#) compliance and legal challenges related to SGMA.

Brian's recent groundwater work includes representing a coalition of over 60 landowners and mutual water companies as plaintiffs in *Las Posas Water Rights Coalition v. Fox Canyon Groundwater Management Agency*, the first comprehensive adjudication of a groundwater basin following the enactment of SGMA and the related Streamlined Adjudication Statute. Brian played a key role in the adjudication, including work on the allocation framework that resulted in a settlement on individual groundwater rights that over 85% of the basin's landowners agreed to and the court adopted, following a five-week trial. Brian then worked with attorneys for other landowners, mutual water companies, the basin's GSA, and other landowners to fashion a settlement on governance of the basin that includes a physical solution under the court's continuing jurisdiction, while preserving the role of the GSA to manage the basin pursuant to SGMA. That governance structure became the final judgment of the court following a two-week trial.

While he is well-versed in litigation from initial pleadings through trial, Brian understands that litigation is rarely the best first step for clients to take in resolving water rights disputes. Brian has resolved many of his clients' cases through his pragmatic and collaborative approach to working with agencies and opposing parties.

Experience

- Represents landowners and mutual water companies in comprehensive groundwater adjudications.
- Represents local agencies and landowners in CEQA challenges to state water infrastructure projects.
- Represents local agency in attorney fee motions in both trial and appellate courts following successful CEQA challenge to state water infrastructure projects.

- Represents water wholesaler in breach of contract and writ of mandate action against a municipality for failure to water meter connection fees.
- Represents children's housing and educational charity in breach of contract action against general contractor regarding failed solar energy system.
- Advises mutual water companies and landowners on compliance with corporate law, SGMA, and watermaster rules and regulations in adjudicated basins.
- Experience in all phases of civil litigation, from initial pleadings through trial.
- Represents clients in numerous mediations to resolve water rights disputes, CEQA claims, construction contract disputes, fraud claims, and real property disputes.

Professional & Community Service

- Sacramento County Bar Association, Environmental Law Section, Board of Directors, 2018-present
- California Lawyers Association, Environmental Law Section
- Sacramento Metro EDGE
- *California Water Law & Policy Reporter*, Contributing Author

Education

- J.D., with distinction, University of the Pacific, McGeorge School of Law, 2012
- B.A., University of California at San Diego, 2007

Honors & Rankings

- Best Lawyers in America®, Ones to Watch, Litigation – Environmental Law, Environmental Law, Natural Resources Law, 2023-2025
- *Super Lawyers*, Northern California Rising Star, Energy & Natural Resources, 2018-2024
- Clerkship, Justice Ron D. Parraguirre, Supreme Court of Nevada, 2012- 2014
- Externship, Honorable Kimberly J. Mueller, United States District Court, Eastern District of California, 2011
- Outstanding Student Achievement Award, Day Division, 2012
- Traynor Honor Society
- *University of the Pacific Law Review*, Editor-in-Chief

Speaking Engagements / Events

- *From Delta to Drought: California Water Rights, Water Supply, and Land Use Law*, Argent Communications 38th Annual California Water Law & Policy Conference, September 30 & October 1, 2024
- *SGMA and Groundwater Comprehensive Update: Basin Boundaries, Sustainability Agencies and Plans*,

and Streamlined Adjudications, County Counsels' Association of California Fall 2023 Land Use Study Section Meeting, December 1, 2023

- *California Water Management, Policy, and Regulation in This Time of Extremes*, Argent Communications 36th Annual California Water Law & Policy Virtual Conference, May 17 & 19, 2022

Publications

- *January 2023 Floods Blamed on Permitting Delays by the California Department of Fish and Wildlife - Lawsuits Filed*, California Land Use Law & Policy Reporter, Volume 33, Number 4, January 2024
- *District Court Dismisses Claim That 2018 Amendments to the Bay-Delta Plan Discriminate Against the U.S. Bureau of Reclamation*, California Water Law & Policy Reporter, Volume 34, Number 1, October 2023
- *California Drought and Flood Streamlining Trailer Bill: Floodwater Diversion Exception and Drought Control Measures*, Environmental, Energy & Climate Change Law and Regulation Reporter, Volume 3, Number 10, July 2023
- *In a Major Regulatory Step, FERC Approves Removal of Four Dams on the Klamath River*, Environmental, Energy & Climate Change Law and Regulation Reporter, Volume 3, Number 4, January 2023
- *Ninth Circuit Finds no Waiver of California's Water Board's Section 401 Certification Authority--The Latest in the Battle of Authority to Regulate Federal Hydropower Projects*, Western Water Law & Policy Reporter, Volume 27, Number 1, November 2022
- *California Department of Water Resources Releases Draft Update Central Valley Flood Protection Plan*, California Water Law & Policy Reporter, Volume 32, Number 9, June 2022
- *DWR Deems Groundwater Sustainability Plans for 12 Critically Overdrafted Basins Incomplete and Require Revision*, California Water Law & Policy Reporter, Volume 32, Number 6, March 2022
- *Fresno County Superior Court Denies Westlands Water District's Validation Action on its Federal Water Repayment Contract*, California Water Law & Policy Reporter, Volume 32, Number 3, December 2021
- *Congress Considers Amendment to Expand Reach of the Water Infrastructure Finance and Innovation Act*, Argent Communications Group, November 18, 2020
- *Court Finds Delta Plan Valid Despite Lack of Enforceable Numeric Compliance Targets*, California Water Law & Policy Reporter, Volume 30, Number 10, July 2020
- *Court Declines to Address Issue of Future Prescription in Appeal to Santa Maria Groundwater Adjudication*, California Water Law & Policy Reporter, Volume 30, Number 5, February 2020