



Meredith E. Nikkel

Partner

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Practice Areas

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

Clients facing complex water right issues rely on Meredith Nikkel's discerning eye as a litigator and her problem-solving approach as an innovator.

Meredith's practice addresses complex **water** and environmental issues with novel solutions to serve the needs of agricultural and municipal users of water throughout the State. Meredith has handled matters 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 is practical and achieves results.

She has successfully defended public agencies in civil and writ proceedings, settled multi-party **groundwater disputes** both informally and in court, and represents a broad group of water users in administrative and state and federal court proceedings related to operation of the Central Valley Project and related water projects, including the California WaterFix project and the State Water Project. Meredith serves as special counsel to local water suppliers, counseling 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 gives her the tenacity to untangle the most complicated legal issues, and the perspective to distill those issues into effective and durable solutions.

Experience

- Successfully defend municipality in a challenge to policy designed to ensure future water supply and demand neutrality.
- Defend local groundwater sustainability agency in challenge under the Sustainable Groundwater Management Act.
- Advise agricultural and municipal water users in challenges to Central Valley Project operations under the Endangered Species Act and related environmental laws.
- Prosecute challenges to administrative decisionmaking by state entities.

- Serve as special counsel to local municipal water suppliers on variety of water right and environmental compliance issues.
- Secured dismissal of challenge to municipal water rights under Proposition 218.
- 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 a 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
- The Foundation for Natural Resources and Energy Law, Conference Planning Committee for the Water Law Institute, 2022
- California Water Law & Policy Conference, Co-Chair, 2018-2022
- University of California at Davis Extension, Groundwater Law & Hydrology, Instructor, 2014-present
- *California Water Law & Policy Reporter*, Editorial Board Member, 2013-2022
- Sacramento County Bar Association, Environmental Law Section, 2012-present
- McClatchy Law and Public Policy Academy, Mentor, 2013-2014
- California Lawyers Association, Environmental Law Section

- California Lawyers Association, ELS Diversity & Inclusion Fellowship Program, Mentor, 2019
- 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

- Best Lawyers in America[®], Water Law, 2023
- *Sacramento Business Journal*, 40 Under 40, 2019
- *Sacramento Magazine*, Top Lawyer, Environmental, Energy & Natural Resources, 2015-2023
- Clerkship, Judge Barry G. Silverman, Ninth Circuit Court of Appeals, 2007-2008

Speaking Engagements / Events

- *2023 Water Law Institute*, The Foundation for Natural Resources and Energy Law, November 2-3, 2023
- *The Delta—Update on the Many Litigation Matters*, Presenter, Argent Communications 37th Annual California Water Law & Policy Conference, June 8, 2023
- *The ESA at Fifty: What Would President Nixon Think?*, Speaker, 55th Annual Mid-Pacific Water Users' Conference, January 26, 2023
- *2022 Water Law Institute*, Program Committee and Moderator, The Foundation for Natural Resources and Energy Law's 2022 Water Law Institute, November 4-5, 2022
- *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
- *Managing Flow Amid Increasing Demand: How Science Can Inform Policy*, 2022 California Water Law Symposium - Water Law & Drought, April 9, 2022
- *Water Rights, Policy, Regulation, and the Future under the New Administration*, Argent Communications 35th Annual California Water Law & Policy Virtual Conference, April 19 & 21, 2021
- *Ethics of Water Law for Practitioners*, Lorman Education Services Live Webinar, March 8, 2021
- *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
- *ESA Regulation and Water Rights: The Klamath Decision on Takings*, Co-presenter, Argent Communications 33rd Annual California Water Law & Policy Conference, June 11, 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

- *Hurdles Remain for Colorado River Agreement*, Daily Journal, June 2, 2023
- *Stanislaus County Superior Court Orders Water District to Vacate Approval of the Del Puerto Canyon Reservoir Project Pending Compliance With CEQA*, California Water Law & Policy Reporter, Volume 33, Number 4, January 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
- *California State Water Resources Control Board Adopts Water Conservation Standards for Urban Suppliers*, Environmental, Energy & Climate Change Law and Regulation Reporter, Volume 3, Number 3, December 2022
- *U.S. Department of the Interior Announces \$210 Million for Drought Resilience Projects in the West*, Environmental, Energy & Climate Change Law and Regulation Reporter, Volume 3, Number 3, December 2022
- *Ninth Circuit Reverses District Court by Finding Congressional Authorization Allows Discretionary Releases From Twitchell Dam for Species Protection*, California Water Law & Policy Reporter, Volume 33, Number 2, November 2022
- *Ninth Circuit Holds That Native Alaskan Tribe has an Implied Right to Fish off the Tribe's Reservation*, Western Water Law & Policy Reporter, Volume 27, Number 1, November 2022
- *Environmental Organizations File Lawsuit Challenging the National Marine Fisheries Service's Approvals of Enhancement of Survival Permits for Shasta River Landowners*, Environmental, Energy & Climate Change Law and Regulation Reporter, Volume 2, Number 11, September 2022
- *California Assembly Bill Would Require Groundwater Sustainability Agency Involvement in Local Agency Well Approval Process*, California Water Law & Policy Reporter, Volume 32, Number 11, September 2022
- *U.S. Senators Introduce Financial Assistance Bill to Provide Additional Funding for Water Projects in the West*, California Water Law & Policy Reporter, Volume 32, Number 10, July 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
- *State Water Resources Control Board Conducts Public Workshop on Potential Impacts of Forthcoming Efficiency Standards on Local Wastewater Management*, California Water Law & Policy Reporter, Volume 32, Number 9, June 2022

- *Environmental Interest Groups Challenge Groundwater Sustainability Plans for the Butte, Colusa, and Vina Subbasins*, California Water Law & Policy Reporter, Volume 32, Number 8, May 2022
- *State Water Resources Control Board Approves Temporary Urgency Change Petition for State Water Project and Central Valley Project*, California Water Law & Policy Reporter, Volume 32, Number 8, May 2022
- *Federal Energy Regulatory Commission Issues Draft Environmental Impact Statement for the Decommissioning of Four Klamath River Dams*, California Water Law & Policy Reporter, Volume 32, Number 7, April 2022
- *Department of Water Resources Begins Preparation of Environmental Impact Report for West False River Drought Salinity Barrier*, California Water Law & Policy Reporter, Volume 32, Number 7, April 2022
- *U.S. Supreme Court Grants Certiorari in Sackett, Paving the Way to a Definitive Test for Determining Wetland Waters of the United States Under the Clean Water Act*, California Water Law & Policy Reporter, Volume 32, Number 6, March 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
- *District Court Vacates Trump ERA Clean Water ACT 401 Water Quality Certification Rule - Remands to EPA for Further Proceedings*, California Water Law & Policy Reporter, Volume 32, Number 3, December 2021
- *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
- *Governor Newsom Signs Senate Bill 323 Implementing a 120-Day Statute of Limitations for Challenges to Water and Sewer Service Rates*, California Water Law & Policy Reporter, Volume 32, Number 2, November 2021
- *Water Agencies File Lawsuits Challenging State Water Board's Sacramento-San Joaquin Curtailment Order*, California Water Law & Policy Reporter, Volume 32, Number 2, November 2021
- *San Francisco Challenges Conditions Imposed by State Water Resources Control Board on the City's Water Quality Certification Issued for Projects on the Tuolumne River*, California Water Law & Policy Reporter, Volume 31, Number 10, July 2021
- *California Department of Water Resources and the U.S. Bureau of Reclamation Release the State Water Project and Central Valley Project Drought Contingency Plan*, Environmental, Energy & Climate Change Law and Regulation Reporter, Volume 1, Number 10, July 2021
- *California Department of Water Resources Releases Final Drought Planning Report for Small and Rural Water Suppliers*, Environmental, Energy & Climate Change Law and Regulation Reporter, Volume 1, Number 9, June 2021
- *California Governor Newsom Issues Drought Proclamations*, Environmental, Energy & Climate Change Law and Regulation Reporter, Volume 1, Number 9, June 2021
- *Congress Introduces Bill to Coordinate River Restoration Efforts Between the United States and Mexico and to Protect the Salton Sea*, Environmental, Energy & Climate Change Law and Regulation Reporter, Volume 1, Number 6, March 2021

- *U.S EPA Finalizes Guidance on Implementation of U.S. Supreme Court's 'Functional Equivalent' Clean Water Act Test in County of Maui Case*, Environmental, Energy & Climate Change Law and Regulation Reporter, Volume 1, Number 5, February 2021
- *Sierra Club Files CEQA Challenge to Proposed New Off-Stream Storage for the Central Valley Project*, Argent Communications Group, January 4, 2021
- *Congress Considers Amendment to Expand Reach of the Water Infrastructure Finance and Innovation Act*, Argent Communications Group, November 18, 2020
- *FERC Order Requires PacifiCorp to Remain on for Klamath Dam Removals*, Argent Communications Group, September 7, 2020
- *Council on Environmental Quality Publishes Final Rule Updating NEPA's Implementing Regulations*, Argent Communications Group, September 7, 2020
- *California Department of Fish and Wildlife Issues Incidental Take Permit for Long-Term Operations of the State Water Project*, Argent Communications Group, May 6, 2020
- *District Court Holds U.S. Army Corps is Not Obligated Under the Clean Water Act or Other Laws to Dredge Channels on Annual Basis*, California Water Law & Policy Reporter, Volume 30, Number 4, January 2020
- *Federal Circuit Determines CVP Restoration Fund Payments Must Be Proportionately Assessed to Water and Power Customers*, California Water Law & Policy Reporter, Volume 30, Number 4, January 2020
- *Federal Government and Center For Biological Diversity Reach Settlement over 'Wild And Scenic' Rivers*, Argent Communications Group, October 1, 2018
- *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 Reporter, Volume 27, Number 6, March 2017
- *California Groundwater Management: Laboratories of Local Implementation or State Command and Control?*, Environmental Law News, Vol. 25, No. 2, Fall 2016
- *Governor Brown Approves Assembly Bill 2551, Which Broadens Public Contracting Options for Surface Water Storage Projects*, California Water Law & Policy Reporter, Volume 27, Number 2, November 2016
- *Still Waiting for a Federal Response to the Drought: A Legislative Update*, California Water Law & Policy Reporter, Volume 26, Number 8, May 2016
- *Does Every Drop Really Count? An Inconsistent Accounting of California's Water Supply*, California Water Law & Policy Reporter, Volume 26, Number 3, December 2015
- *Union of Concerned Scientists Proposes Best Practices to Achieve Goals of the Sustainable Groundwater Management Act*, California Water Law & Policy Reporter, Volume 26, Number 2, November 2015
- *A Federal Response to the Drought – Three Bills Pending in Congress*, California Water Law & Policy Reporter, Volume 25, Number 11, August/September 2015
- *Environmental Groups File Suit Against San Francisco Challenging Hetch Hetchy Reservoir*, California Water Law & Policy Reporter, Volume 25, Number 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, Volume 25, Number 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, Volume 25, Number 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, Volume 25, Number 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

- *Sacramento County Superior Court Rules in Favor of the State Water Board's Substitute Environmental Document for Phase I of the Bay-Delta Plan*, March 22, 2024
- *Court of Appeal Upholds County of Monterey's Management of Groundwater in Landmark SGMA Case*, November 20, 2023
- *State Water Board Issues Sweeping Water Right Curtailment Order in 2022 for the Sacramento-San Joaquin Delta Watershed*, June 9, 2022
- *State Water Board Issues Emergency Regulations for Curtailments in Delta Watershed*, August 17, 2021
- *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*