



# The bedrock of what's possible.

We are the forward-thinking natural resources, energy and environmental law team that innovates to ensure industry and businesses successfully navigate the ever-changing regulatory climate.

Our clients range from family owned businesses, irrigation districts, US and international companies and industry trade associations.

## LEADERSHIP



NATURAL RESOURCES

WATER LAW

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NATURAL RESOURCES

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## OUR STRENGTHS

We offer a full range of environmental legal services to clients in:

### Agribusiness

Energy (non-renewable and renewable)

Finance

Manufacturing

### Mining

Federal and State Permitting

Real estate development

Utilities

## ENERGY, OIL AND GAS & MINERAL LAW

The services our Energy, Oil and Gas Law Group offers to its clients relate to all areas of energy, oil, gas and mineral law, including title examination, lease interpretation and maintenance, litigation, due diligence, complex transactions and risk management. Our attorneys also have extensive experience in representing clients in the following areas:

Entity formation and dissolution, including selection, creation and administration of business entities for energy ventures, including joint ventures, partnerships, limited liability companies and other joint-ownership or joint-participation arrangements.

Land acquisition and leases, for both oil and gas projects, as well as for large-scale solar and wind projects.

Employment and labor counseling

Employment litigation, including labor commission hearings, DFEH and EEOC charges of discrimination, and harassment and wrongful death actions.

Mergers and acquisitions

Contract matters, including negotiation and documentation of acquisition, exploration, development, sales, storage and transportation agreements.

Leasing oil/gas/mineral rights

Taxation and tax planning

Asset recovery

Litigation, and more

## ENVIRONMENTAL & NATURAL RESOURCES LITIGATION

Our civil and criminal litigation experience includes all aspects of environmental and natural resources claims. Our environmental attorneys represent clients in connection with state and federal and Superfund matters; pursuing and defending private cost recovery actions under state and federal statutes and common law; defending investigations and civil enforcement and criminal prosecutions by state, local and federal prosecuting agencies under the [Clean Water Act](#), [Resource Conservation and Recovery Act](#) and all other federal and state statutes; and water rights claims.

Our natural resources attorneys provide a significant amount of environmental counseling and representation to the manufacturing, mining, forestry, high technology, petroleum, banking and other industries. We have represented clients before the air pollution control hearing boards, the [Water Quality Control Council](#), administrative law judges at the Department of Environmental Quality, and in federal and state courts.

Our recent environmental law activity includes environmental and toxic torts; environmental policy suits; regulatory challenges; cost recovery actions; property devaluation and natural resource torts; complex water cases; general adjudication of water rights; mining title disputes; flood cases; and environmental compliance actions.

We have been involved with all of Arizona's groundwater protection initiatives, which culminated in 1986 with the passage of the Arizona Environmental Quality Act. Our water rights

attorneys have served as special counsel to the state in Arizona v. California and other water law cases of statewide interest. Our environmental lawyers serve on legislative drafting committees, advisory committees to agencies, and on various ad hoc committees which affect and direct the legislative and regulatory process in Arizona.

## **MINING**

We have more than 130 years of experience representing clients in the minerals sector. This includes all facets of exploration, development and operation. Our attorneys advise clients on due diligence, mineral title examinations, mining claim locations, maintenance and disputes. We can assist with drafting exploration agreements, including joint ventures and farm in/out agreements; purchase and sale agreements of mining properties; contract operating and production agreements; marketing and tolling agreements of base and precious metals; as well as derivative transactions, including exchange-traded and off-exchange transactions as well as finance arrangements.

We have helped our clients permit exploration campaigns, greenfield mining projects and mine expansions on state and federal land. Then we help defend those permits in suits filed in state and federal court against the authorizing land or program management agencies.

Our work for clients encompasses projects related to mining laws and regulations throughout the United States, Mexico, Canada, South America, the Pacific Rim, the Republic of South Africa, and elsewhere around the world. Our mining attorneys work closely as a team providing clients business support in finance, tax, business entity selection, employment, creditors' rights law, environmental permitting, and water rights.

## **PERMITTING**

Our environmental attorneys have substantial experience with the federal permitting on public, state and private lands including requirements of the National Environmental Policy Act, the Clean Water Act, the Endangered Species Act, the National Historic Preservation Act and related laws and regulatory requirements. We represent clients in connection with administrative and court proceedings and defend clients in lawsuits based on alleged violations of federal laws and regulations.

In addition to litigation, we advise and assist clients on various permitting and transactional matters, rights-of way, grazing permits and other permits relating to the use and occupancy of public lands pursuant to FLPMA and laws governing use of National Forest System lands. We also assist clients in connection with rule-making proceedings and administrative appeals and contested cases relating to permits under federal and state land use statutes.

## **RENEWABLE ENERGY & CLEAN TECH**

We have substantial experience with all types of energy projects dating back to the late 1800s. Today's renewable energy focus draws upon this experience and brings together business and finance, tax, intellectual property law, regulatory law, natural resources and environmental law, and real estate law, land use, and construction attorneys for our renewable energy clients to provide efficient and complete legal services.

We provide a range of renewable energy legal services to developers, investors, utilities and entrepreneurs for renewable energy projects, including assisting with:

- Business transactions associated with forming a venture, or handling the disposition or acquisition of renewable energy development assets and projects

- Power plant and transmission line siting

Co-generation agreements

Compliance with state and federal regulatory requirements

Financing, including public offerings, private placements, syndications and venture capital financings

Land use, including leasing, zoning and entitlements

Licensing and permitting

Litigation in state and federal courts

Patent, trademark and other intellectual property law protection strategies

Power purchase agreements

Solar leases

Surface and groundwater permitting

Tax credits and other incentives

Government relations and legislative initiatives

Arizona Renewable Energy Standards

## UTILITIES

We represent several utilities in the telecommunications, water, sewer, and natural gas industries. Our environmental legal services include appearing before the state commissions in ratemaking, certification, rule-making, and financing proceedings. Our environmental attorneys also represent utilities in federal and state court actions challenging regulatory decisions. We represent clients in diverse and complex matters before the Arizona Corporation Commission and also represent large industrial users of electricity, as well as power plant project developers/owners in both traditional and renewable forms of generation. We provide environmental legal services to one of the state's largest investor-owned water and wastewater providers, in addition to smaller private water and wastewater utilities in northern and central Arizona. We also assist a variety of clients with state and federal pipeline and railroad safety matters in Arizona and Nevada. Our utilities and regulatory practice also extends to other state agencies, state boards and commissions, as well as related litigation in state and federal courts.

## WATER LAW

Our [water rights attorneys](#) offer clients decades of experience in surface water, groundwater, water rights, water supply, river adjudications and litigation, and all types of water-related litigation. We also provide assistance with water resource planning and the interplay between utilization of water resources and the impact of various environmental laws. Our signature strength – in depth understanding of water rights and supplies and increasingly critical environmental restrictions affecting those rights and supplies – positions us to assist in addressing and resolving the most complex water issues facing the business world.

## WATER PERMITTING AND COMP

We assist clients in formulating strategies to protect and utilize water rights. Our water rights attorneys negotiate and document numerous water rights conveyances, water service agreements and water infrastructure instruments. We frequently conduct due diligence in connection with transactions involving the acquisition of real property and water rights.

We advise clients on compliance with regulatory and permitting matters involving federal, state and local laws, rules and policies, including the assured water supply program, water conservation requirements, Central Arizona Project issues, and the environmental implications of exercising water rights.

### **WATER LEGISLATION AND REGULATION**

We have a long history of representing clients in drafting and negotiating water legislation that includes Arizona's landmark [Groundwater Management Act](#) and the legislation giving rise to the Central Arizona Groundwater Replenishment District. We regularly represent clients in rule-making and regulatory matters before state and federal agencies.

### **WATER LITIGATION**

Our water rights attorneys represent major claimants in river adjudications and water rights litigation, including the [Gila River Adjudication](#) and the [Little Colorado River Adjudication](#). In addition to serving as trial counsel, we are involved in settlement negotiations for these and other water controversies through agreements among both American Indian and non-Indian claimants. In addition, we represent clients in interstate stream litigation and related negotiations. We also have experience representing state governments in interstate water banking negotiations.

### **WATER RIGHTS AND SUPPLY**

Our water rights attorneys represent clients in water supply, water rights and development issues that include:

Planning for the use and protection of water rights.

Conducting due diligence on water-related matters associated with purchase of raw land, subdivided land, and planned developments.

Drafting and negotiating purchase and sale contracts relating to water issues.

Analyzing title and survey matters concerning water.

Drafting and negotiating water-related agreements, including line extension agreements, water supply wheeling agreements and development agreements between landowners, developers and municipal and private water providers.

Securing effluent for recreational, development and industrial uses.

Demonstrating an Assured and Adequate Water Supply under Arizona law, including obtaining Analyses, Designations, and Certificates of Assured Water Supply and Water Reports.

Providing counsel on water conservation requirements to municipal providers, developments, homeowners associations, golf courses, and industrial interests.

Participating in the development of legislation, rulemaking and water-related policy at the state and regional level.

Representation in administrative law proceedings involving water resource, rights, and compliance matters.

### **Representative Experience**

Representation of developers and landowners as a project team member in the [Central Arizona Water Conservation District](#) ADD Water Project, considering means to acquire and develop additional water supplies for central Arizona. The purpose of this exercise is to develop a

consensus view of how additional water supplies should be shared and how they should be paid for.

Representation of municipal providers and landowners in assessing possible regulation of water uses under the [Endangered Species Act](#).

Representation of mining and industrial interests in development of water resource strategies.

Representation of a major landowner's interests in the [Arizona Municipal Water Users Association](#) Sustainability Project to address water sustainability. In particular, the focus of this project was the Central Arizona Groundwater Replenishment District and its projected water demand, supplies and financial resources. Our water rights attorneys developed recommendations with regard to legislation and policy positions by the Arizona Department of Water Resources that clarified the District's responsibilities.

Representation of a master-planned community in the Prescott area in negotiating terms of purchase contracts for production wells and terms of sharing capacity in production wells.

Representation of a consortium of landowners participating in first-ever auction of effluent credits by a municipality.

Representation of a client in successfully defending a 1935 federal water right decree in the context of the Gila River Adjudication.

Representation of clients opposing a claim by the Arizona State Land Department in both adjudications to a federal reserved water right for millions of acres of state trust lands. The Special Master's Report in those proceedings is awaiting review by the Superior Court.

Representation in litigation over the United States' claim to federal reserved water rights for Fort Huachuca, a military installation in southeastern Arizona.

Lead counsel in putting together a joint water supply study and agreement to do a comprehensive groundwater modeling of hydrologic conditions in the Hassayampa Basin west of Phoenix. To the knowledge of the people involved, this was the first cooperative effort of its kind in the United States.