

Water Law

Facing Complex Water Challenges across the West with Clarity and Precision.

Our attorneys have a deep understanding of all matters concerning water rights and water supply. We help our clients obtain and protect their surface water and groundwater supplies, and protect their interests in water adjudications and all other manner of water-related litigation. The breadth and scope of our experience spans all administrative and litigation aspects of the water law practice, positioning us to assist in addressing the most complex water issues facing the business world.

LEADERSHIP



WATER LAW

BUSINESS
LITIGATION

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WATER LAW

NATURAL
RESOURCES

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OVERVIEW

Our water rights attorneys offer clients decades of experience in surface water, groundwater, water rights, water supply, permitting and regulatory compliance, legislation and rule-making, water adjudications, and all types of water-related litigation.

We assist clients with water resource planning and the interplay with 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 advise our clients in addressing and resolving the most complex water issues facing the business world.

We maintain a strong and active presence across the West, serving clients with interests and operations in Arizona, California, Colorado, Idaho, Nevada, Washington, and beyond. Members of our team have represented clients in some of the largest and most complex water rights

adjudications in the West. We also counsel clients on navigating the evolving challenges posed by climate change, drought, and interstate water conflicts.

Our team includes former senior state and federal government officials and experienced litigators who, throughout their careers, have shaped water law and policy across this vital region. We have extensive experience in both the transactional and environmental aspects of water law, guiding clients through complex agreements, infrastructure development, and environmental permitting challenges. From adjudications and permitting to policy advocacy and regulatory compliance, we provide comprehensive legal counsel on the full spectrum of Western water issues.

ARIZONA

Robert Anderson

Rhett Billingsley

Larry Caster

Sean Hood

Kaitlyn Smith

Nyla Hightower

Fennemore's Arizona water attorneys serve clients that require reliable water supplies for mining, real estate development, M&I, and agriculture. We offer a comprehensive suite of legal services designed to support clients in securing, managing, and defending vital water resources across the state. With deep experience in Arizona's regulatory landscape, our attorneys advise clients on compliance with federal, state, and local laws, including matters involving the Assured and Adequate Water Supply Programs, water conservation requirements, and Central Arizona Project policies. We also regularly advise clients on the environmental implications of exercising water rights.

Fennemore has a long history of drafting and negotiating legislation, including the landmark Groundwater Management Act and the statutes that established the Central Arizona Groundwater Replenishment District. In addition, we routinely represent clients in regulatory rule-making proceedings and administrative matters before state and federal agencies.

We counsel both public and private entities on matters involving drought contingency planning, underground water storage and recovery permitting, federal reserved water rights, and long-term water resource strategy. Our attorneys are skilled in navigating complex regulatory frameworks and helping clients secure effluent for recreational, development, and industrial purposes. This includes obtaining essential designations, analyses, certificates, and water reports that demonstrate a reliable water supply.

Due to its scarcity and importance, "water is for fighting," and our water litigators are recognized leaders in resolving complex water disputes. We have extensive experience litigating state law surface water claims, federal reserved water right claims, groundwater uses and issues concerning "subflow," and disputes concerning the administration of the Assured Water Supply program. We have decades of experience litigating in Arizona's general stream adjudications and in federal court, and represent clients in high-stakes litigation against the United States, the Arizona Department of Water Resources (ADWR), and various state and federal agencies.

Our notable engagements include:

Representation of several major developers in administrative proceedings and litigation concerning ADWR's refusal to issue approvals based on the physical availability of groundwater.

Representation of a major landowner's interests in the Arizona Municipal Water Users Association Sustainability Project to address water sustainability.

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.

Lead counsel in the first several trials in the Gila River General Stream Adjudication to resolve contested water right claims. Successfully opposed the federal reserved water right claims asserted for Aravaipa Canyon Wilderness Area, Redfield Canyon Wilderness Area, Fort Huachuca, and the San Pedro River National Conservation Area (SPRNCA).

Successful defense of a 1935 federal water right decree in the context of the Gila River Adjudication.

Representation of competing water users opposing the Arizona State Land Department's federal reserved water right claims for millions of acres of state trust lands.

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

With unmatched fluency in the legal, technical, and political dimensions of water law, Fennemore's Arizona team provides clients with forward-thinking solutions that protect and enhance this critical resource.

CALIFORNIA

Derek Hoffman

Darien Key

Christina Suarez

Larry Caster

Sean Hood

Micheline Fairbank

Fennemore's California water attorneys provide sophisticated legal counsel to clients navigating the state's highly complex and evolving water law landscape. With a strong foundation in Western water rights and a deep understanding of California's unique regulatory frameworks, our attorneys offer strategic guidance in all aspects of water law—from securing and defending water rights to ensuring long-term supply reliability for businesses that require water in their operations, including mining companies, agricultural interests, developers, mutual water companies, and other industries.

Our team is highly experienced in the implementation of California's landmark Sustainable Groundwater Management Act (SGMA) and regularly advises clients on compliance with this transformative legislation. We assist stakeholders in developing and executing tailored strategies for the acquisition, protection, and transfer of both surface and groundwater rights. These strategies often integrate water planning with business and real estate objectives to ensure resource reliability that supports long-term operational goals.

We represent clients before regulatory and administrative agencies in matters involving water resource permitting and compliance, and we are well-versed in handling legal issues arising

under federal and state environmental statutes, including the Clean Water Act (CWA). Our attorneys provide counsel on Section 404 wetlands permitting and related compliance concerns for a wide range of development, industrial, mining, and renewable energy projects.

Our approach is pragmatic and solution-oriented. We understand that water is not only a legal issue but a strategic business asset. Whether resolving disputes, negotiating resource-sharing agreements, or guiding clients through long-term water planning, our team is committed to finding creative, cost-effective solutions that balance regulatory compliance with the unique operational needs of each client.

Our notable engagements include:

Antelope Valley groundwater basin adjudication

Mojave Basin Area adjudication

Indian Wells Valley groundwater adjudication

Oxnard-Pleasant Valley groundwater basin adjudication

Cuyama groundwater basin adjudication

Chino Basin

Yucaipa Basin SGMA implementation

General Counsel to mutual water companies with historic water rights

Extensive water rights due diligence and transactional matters for mining companies and other interests

COLORADO

Kole Kelley

Laura Chartrand

Fennemore's Colorado water attorneys offer deep legal insight and practical guidance in addressing the region's increasingly complex water issues. With a long-standing commitment to protecting and advancing our clients' water rights, we provide strategic representation across a broad range of legal, regulatory, and litigation matters that are central to water use and sustainability in the state.

We offer counsel on a full range of regulatory compliance and permitting issues, guiding clients through the intricacies of federal, state, and local frameworks that govern water use in Colorado. This includes advising on Clean Water Act compliance, wetlands permitting under Section 404, and water-related implications for development, mining, and energy projects. Our attorneys closely monitor governmental rulemakings and legislative changes to ensure clients remain ahead of evolving regulatory requirements.

Our team is highly attuned to interstate water and Colorado River issues, and maintains fluency in regional initiatives such as the Drought Contingency Plan (DCP) and the administration of multistate compacts affecting Colorado water users. Informed by developments across the West, including Arizona's Groundwater Management Act and California's SGMA, our attorneys bring a regional perspective that enhances the effectiveness of local legal strategies.

By combining technical understanding with a pragmatic, client-centered approach, our Colorado water attorneys support agricultural, industrial, municipal, and commercial clients in

securing and preserving this essential resource.

IDAHO

Kathleen M. Carr

Kate Sheffic

Fennemore's Idaho water attorneys provide strategic legal counsel across a diverse range of issues affecting the state's critical water resources. With deep experience in both state and federal water law, the team supports public agencies, private entities, and energy stakeholders in navigating the legal complexities of water rights, hydropower, environmental regulation, and multi-jurisdictional compliance.

Our attorneys bring knowledge in hydropower licensing and dam safety regulation, advising clients on compliance with federal and state requirements governing the development, maintenance, and oversight of water infrastructure projects. This includes counseling on the intersection of Idaho state water law with federal water supply operations and permitting frameworks.

Our team has experience in advising federal agencies, including the U.S. Bureau of Reclamation, on a broad range of legal matters involving federal and tribal water rights, environmental and cultural resource protections, procurement, federal construction, and energy development. Our attorneys deliver nuanced guidance on highly technical and sensitive matters, particularly where federal and state regulatory regimes intersect.

Our team also remains engaged with the academic and policy communities that shape the future of water law. Between 2022 and 2024, one of our attorneys served as both Chief Symposium Editor and Associate Editor of the Idaho Law Review, where she was recognized with the Outstanding Writing Award for her published work on interstate water law. In 2024, she organized the Idaho Law Review Water Law Symposium in Boise—a landmark event that convened national legal scholars, judges, former cabinet officials, and attorneys to explore pressing issues in state and federal water governance.

With a combination of practical regulatory experience, litigation insight, and scholarly leadership, Fennemore's Idaho water attorneys are well-positioned to support clients in protecting and advancing their water-related interests across the region.

NEVADA

Micheline Fairbank

Evan Klouse

Fennemore's Nevada water attorneys provide comprehensive legal guidance to clients navigating the intricate landscape of water rights and environmental regulation in the Silver State. With extensive experience in Western water law, our team is committed to protecting and advancing our clients' critical water resources through strategic counsel, regulatory insight, and effective litigation.

Our attorneys possess in-depth knowledge of Nevada's water statutes, including the administration of Title 48 of the Nevada Revised Statutes, and have worked closely with the Nevada State Engineer on matters involving the management and allocation of the state's surface and groundwater resources. We are deeply familiar with recent developments affecting

groundwater rights administration, and we advise clients on how best to adapt to these evolving legal frameworks.

Our Nevada practice also includes substantial environmental regulatory experience. We advise on compliance and permitting issues involving hazardous waste disposal, CERCLA, mine reclamation, the Clean Water Act (CWA), and the Safe Drinking Water Act (SDWA), along with corresponding state laws. This cross-disciplinary knowledge enables us to serve a wide range of clients, including those in industrial, mining, real estate, and energy sectors.

In addition to regulatory and compliance work, our team brings extensive litigation experience before Nevada State District Courts, Federal District Courts in Nevada and California, the Ninth Circuit Court of Appeals, and a range of administrative bodies, including the National Labor Relations Board and the Equal Employment Opportunity Commission. This breadth of practice ensures that our clients receive capable representation across all forums where water and environmental matters are adjudicated.

Born and raised in Northern Nevada, one of our lead water attorneys brings a distinctive regional perspective and a reputation for crafting practical, tailored solutions to complex legal problems. Known for balancing creative thinking with procedural precision, she helps clients achieve favorable outcomes in a timely and cost-effective manner—whether working within regulatory constraints or advocating innovative solutions outside the standard mold.

With a blend of legal acumen, regulatory fluency, and regional insight, Fennemore's Nevada water attorneys stand ready to support clients in securing, managing, and defending their water rights across the state's dynamic and often challenging legal environment.

WASHINGTON

Darien Key

Fennemore provides comprehensive legal services to protect, manage, and maximize the use of water resources in Washington. Our team advises clients on water rights permitting, compliance, and transactions, including due diligence for real estate and development projects, negotiation of water service and supply agreements, and documentation of water rights conveyances.

We guide clients through federal, state, and local regulatory frameworks, offering counsel on compliance with the Clean Water Act (CWA), Safe Drinking Water Act (SDWA), hazardous waste management, and related state environmental laws. Our attorneys also assist with conservation requirements and long-term water supply planning for municipalities, industries, and agricultural operations.

Fennemore has deep experience in water legislation, regulation, and policy development, representing both public and private entities before state and federal agencies. Our work includes drought contingency planning, underground storage and recovery permitting, and navigating issues involving tribal and federal reserved rights.

When disputes arise, our litigators represent clients in complex water rights litigation and adjudications, including groundwater and surface water claims, interstate water negotiations, and technical issues such as groundwater modeling, subflow, and assured supply requirements. We are experienced trial counsel in state and federal courts across the West and bring that same skill set to Washington matters.

Ultimately, our focus is on helping clients secure reliable, legally defensible access to water resources while ensuring compliance with evolving regulations and sustainability goals.

PUBLICATIONS & RECOGNITIONS

Our attorneys are well-known thought leaders in the water law community. They regularly contribute to publications including the California Water Law & Policy Reporter, Western Water Law and Policy Reporter, American Bar Association, and Northern Nevada Business Weekly, covering topics like SGMA, Arizona groundwater management, desalination, and the Colorado River.

Our attorneys are regularly recognized by [Chambers USA](#), [Best Lawyers](#), and [Super Lawyers](#), reflecting our commitment to legal excellence and client success.

For more insight into how our attorneys can help you navigate the complexities of water law, please contact [our attorneys](#).