



MICHELINE NADEAU FAIRBANK

Director

Natural Resources

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Continuous improvement is better than delayed perfection

Mark Twain



MICHELINE NADEAU FAIRBANK

Micheline Nadeau Fairbank is a Nevada natural resources and water rights attorney who helps clients evaluate water availability, pursue environmental approvals, and respond to agency actions that could delay projects or disrupt operations. She combines senior experience administering Nevada water law, representing Nevada's environmental regulator, and litigating natural resources disputes. As Deputy Administrator of the Nevada Division of Water Resources, Micheline worked closely with the Nevada State Engineer to administer Nevada's water laws and oversee the allocation and management of the state's water resources. She also represented the Nevada Division of Environmental Protection in permitting, compliance, and enforcement matters involving hazardous waste, CERCLA, mine reclamation, water quality, and drinking water.

Born and raised in Northern Nevada and based in Fennemore's Reno office, Micheline advises private and public entities throughout Nevada and the West. Her background is especially relevant when a project depends on water or environmental approvals, an investigation creates potential exposure, or a water right, permit, or agency decision becomes contested. Her practice addresses issues affecting mining, lithium and critical-minerals development, renewable energy and solar projects, data centers, utilities, agriculture, industrial and commercial development, municipalities, water districts, ranches, and landowners.

Water Rights and Water Permitting

Micheline advises on groundwater and surface water rights, water rights transfers, change applications, water rights adjudications, water availability opinions, water rights due diligence, water permitting, administrative hearings, agency appeals, and water rights litigation. She helps

clients assess the legal availability and regulatory feasibility of water, coordinate with technical consultants, pursue or defend applications, protect existing rights, and respond to protests or adverse agency decisions. Her agency experience informs her understanding of the considerations that shape proceedings before the Nevada State Engineer.

Environmental Permitting, Compliance, and Enforcement

Micheline's environmental practice includes environmental permitting and compliance, regulatory investigations, environmental enforcement defense, CERCLA liability, contaminated-site cleanup, Clean Water Act and Safe Drinking Water Act compliance, hazardous-waste regulation, and mine reclamation. While representing the Nevada Division of Environmental Protection, she worked on mine permitting and regulatory matters involving overlapping water-quality, environmental-compliance, waste-management, and reclamation requirements.

She counsels clients responding to investigations and enforcement actions by assessing potential exposure, preparing regulatory submissions, negotiating with agencies, and litigating contested matters. She also helps clients identify compliance concerns and develop coordinated responses before those concerns escalate.

Mining, Energy, and Data Infrastructure

For mining and critical-minerals projects, Micheline addresses interconnected water, environmental, permitting, waste-management, compliance, and reclamation issues. Her practice also addresses water availability, environmental permitting, and regulatory sequencing for renewable-energy, solar, data-center, and related infrastructure projects.

Administrative Appeals and Natural Resources Litigation

When matters become contested, Micheline represents clients in administrative hearings, agency appeals, water rights litigation, environmental litigation, and natural resources litigation. She advises during the agency process with an understanding of how the administrative record and decision may later be evaluated on judicial review.

Her appellate experience includes arguing *United States v. U.S. Board of Water Commissioners* before the Ninth Circuit on behalf of the State of Nevada and serving as counsel on a multistate amicus brief submitted to the United States Supreme Court at the certiorari stage in *Coachella Valley Water District v. Agua Caliente Band of Cahuilla Indians*. She has also served on the Nevada Supreme Court Commission to Study the Adjudication of Water Law Cases and in leadership roles with the Western States Water Council.

EDUCATION

B.A., Western Colorado University, *cum laude*

J.D., Willamette University College of Law

AREAS OF PRACTICE

Natural Resources

Business Litigation

Water Law

Mining Law

REPRESENTATIVE CASES

Coachella Valley Water District v. Agua Caliente Band of Cahuilla Indians, United States Supreme Court Case Nos. 17-40, -42.

United States v. United States Board of Water Commissioners, 893 F3d 578 (9th Cir. 2018)

PROFESSIONAL AND COMMUNITY ACTIVITIES

Board of Directors, The Great Basin Institute, 2026-Present

Western States Water Council Executive Committee, 2019-2023

Western States Water Council, Legal Committee, 2019-2023

Western States Water Council, Non-Tribal Federal Water Needs Subcommittee, 2018-Present

Western Regional Partnership, Water Security Committee, 2019-2023

Nevada Supreme Court Commission to Study the Adjudication of Water Law Cases, 2021-2023

Board of Directors, Walker Basin Conservancy, 2023-present

Conference of Western Attorneys General, Western Attorney General Legal Action Committee, July 2014-April 2018

ARTICLES AND PRESENTATIONS

Featured, "[State punts plan to curtail water in Nevada's largest river basin amid severe drought](#)," The Nevada Independent, May 13, 2026

Author, "[Lithium, Critical Minerals, and the Mine-To-Market Regulatory Challenge in Nevada](#)," Nevada Lawyer, April 2026

Presenter, "Resolving Water Rights Disputes," Nevada Land and Water Law: Ownership and Access CLE, January 2026

Author, "[Too Many Rights, Not Enough Water: The Future of Nevada's Humboldt River](#)," Fennemore Blog, December 18, 2025

Interview, "[Why did the U.S. Mint stop making pennies?](#)," FOX11, November 21, 2025

Co-Presenter, "Stormwater Runoff Law and Disputes A-Z," NBI, November 18, 2025

Author, "Nevada launches landmark water rights retirement program to combat overuse," Las Vegas Review-Journal, August 1, 2025

Presenter, "Stormwater Runoff Hot Topics and Case Law Updates" Live Online Seminar, June 3, 2025

Co-Author, "Assembly Bill 104: Nevada Adopts Water Rights Retirement Program," Western Water Law and Policy Reporter, June 2025

Co-Author, "Lower Colorado States Call for Improvements to Glen Canyon Dam," California Water Law & Policy Reporter, June 2025

Author, "[How Halting Penny Production Could Reshape Natural Resource Policies](#)," Fennemore Blog, May 23, 2025

Co-Author, "Lower Colorado States Call for Improvements to Glen Canyon Dam," Western Water Law & Policy Reporter, May 2025

Co-Author, "Additional Funding From the US Bureau of Reclamation Announced for Southern Nevada Water Authority Conservation Initiatives," Western Water Law and Policy Reporter, March 2025

Interview, "[Thursday Thoughts with Micheline Nadeau Fairbank: Harnessing Nevada's Lithium Potential](#)," Fennemore Blog, May 2, 2024

Featuring, "People: Micheline Fairbank joins the Fennemore Craig Business Litigation and Natural Resources practice groups," Northern Nevada Business Weekly, May 29, 2023

Interview, "[I always love how there is something new to learn every time and, in every case, and situation](#)," Fennemore Blog, May 11, 2023

State Groundwater Management and Federal Reserved Water Rights: What's Next? ABA Section of Environment, Energy, and Natural Resources Water Resources Committee Newsletter, March 2018

ADMISSIONS

California

Colorado

Nevada

United States District Court, District of Nevada

United States District Court, Northern District of California

United States District Court, Eastern District of California

United States District Court, Central District of California

United States District Court, Southern District of California

9th Circuit Court of Appeals

United States Supreme Court