SpencerFane®

Water Law

# A perspective informed by experience navigating some of the most turbulent cases.

**The Spencer Fane water law team possesses the knowledge and experience necessary to represent clients on virtually any aspect of this increasingly critical area of law.**

## Overview

### Interstate Water Disputes

Our lawyers have been involved in many important water law cases throughout the western states, and regularly represent and advise private and public sector clients on a wide variety of water law related matters, including:

Spencer Fane lawyers have in-depth experience in the highly specialized area of interstate water litigation before the U.S. Supreme Court. Our attorneys have continuously represented states in interstate water disputes in the original jurisdiction for over two decades. The firm currently serves as Counsel of Record for the State of New Mexico in *Texas v. New Mexico & Colorado*, No. 141 Original, a dispute over the Rio Grande, and our attorneys have successfully represented three states in four different water cases before the Supreme Court.

Our experience in original jurisdiction water litigation includes submission of more than 35 merits briefs to the Supreme Court, and more than 130 merits briefs to Supreme Court Special Masters. Our attorneys have engaged in more than 150 days of trial in original actions, argued two times before the Justices of the U.S. Supreme Court on water issues, assisted several attorneys general in preparing for oral argument, and engaged in two interstate arbitrations pursuant to a Supreme Court decree.

### Water Administrative Proceedings

In several western states, water rights are administered by the State Engineer. Administrative approval is required to obtain new water rights and change the place or purpose of use and point of diversion of existing water rights. Spencer Fane has extensive experience in proceedings before the State Engineer, including preparing and prosecuting applications and protests and handling enforcement matters. As part of the administrative process, Spencer Fane assists clients with performing historical and legal research, engaging and working with technical experts, negotiating with the State Engineer and other interested parties, and pursing appeals of administrative decisions.

### Water Litigation

The Spencer Fane water law team also has substantial experience in state and federal court litigation involving a broad range of water matters. The firm's attorneys have represented clients in litigation over water disputes in the U.S. Supreme Court, the U.S. Court of Appeals for the Tenth Circuit, federal district courts, state appellate courts, and state trial courts. This includes multiple stream adjudication, or general adjudication, suits across the western states.

**Water Planning and Transactions**

Municipalities, local districts, utilities, irrigation companies, developers, farmers, recreational and environmental interests, and individuals rely on Spencer Fane to acquire and protect viable water supplies for current and future needs. Our attorneys are experienced in handling the purchase, sale, and lease of water rights and have assisted clients to develop lasting water strategies for new developments. Our attorneys regularly perform due diligence analysis of water rights for residential and commercial real estate transactions. We also have experience working closely with clients involved in water development projects to accomplish project goals.