



## Water



Our water practice attorneys serve as general counsel or special counsel to a number of water districts, special districts, and private interests. We also represent our clients in litigation, administrative processes, and project development as well as in matters involving water rights and supply, water quality, and water and sewer rates.

As lead counsel for various public entities throughout California, we advise and advocate for water districts and municipalities in the operation of municipal water systems, development and use of recycled water projects and wastewater treatment plants, acquisition and defense of water rights, and other special projects unique to the proper management of water resources.

Our extensive representation of water districts, special districts, municipalities and private clients in issues related to water law gives our attorneys specific expertise necessary to craft creative and effective solutions to water resource management issues. Such water expertise in turn provides our team of attorneys with a deep understanding of the complex challenges that water agencies and districts continuously face when managing this scarce resource, especially as demand for water continues to grow. Our attorneys keep ahead of the curve as ongoing and new water regulatory challenges continually evolve. They accomplish this through timely monitoring of regulatory and legislative enactments, as well as through active participation in complex litigation throughout the State. Our clients are promptly alerted of any water-related regulatory or legislative developments affecting their water operations.

We routinely negotiate water supply and water rights transfer agreements. In addition, we advocate for our clients in complex litigation and before administrative forums to ensure adequate protection of our clients' needs and interests. Such representation requires a thorough understanding of the applicable State, Federal, and administrative law governing all aspects of water use, which our attorneys have acquired.

## EXPERTISE

- General counsel to city water departments; community services districts; municipal water districts; irrigation districts, county water districts, recycled water districts, and joint powers authorities
- Ralph M. Brown Act

### ATTORNEYS

DAVID J. ALESHIRE  
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- Drafting, reviewing, public hearings and adoption of ordinances and resolutions relating to the operations as well as specialized ordinances such as those relating to water conservation, emergency drought regulations, landscape ordinances and those ordinances and resolutions relating to rate-setting for potable and recycled water as well as sewer service
- Development of fees and charges for water, wastewater, recycled water that comply with statutes for such fees and charges, including Proposition 218 and the exceptions to Proposition 26, and including the adoption process
- Elections law
- Right to serve issues
- Water connection and other charges (including issues relating to customer bankruptcy)
- Laws and regulations governing potable water, recycled water and sewer infrastructure
- Public works construction contracts - including, but not limited to, the bidding, awarding, contracting, and construction of public works and improvements
- Real property contracts, including, but not limited to, purchase/sale agreements, leases, deeds, easements, licenses, encroachment permits, rights-of-way, promissory notes, and deeds of trust
- Joint Powers Agreements
- Groundwater adjudications (both pre and post Judgment proceedings)
- Groundwater contamination issues
- Groundwater management including the Sustainable Groundwater Management Act and formation of Groundwater Sustainability Agencies
- Water System Master Plan development
- Water supply development, including water supply assessment, recycled water, desalination, treatment, and reclaimed water plants
- Water supply and transfer agreements
- Water rights acquisition, permit applications, and water leases
- Urban Water Management Plans
- Water quality, MS4 and NPDES, monitoring, evaluating and responding to potential threats to water and recycled water quality including activities within watersheds and groundwater aquifers, and activities of residents and businesses
- Water and wastewater financing, including, but not limited to, general obligation bonds, certificates of participation, lease revenue bonds, special tax bonds, special assessment bonds, private activity bonds, revenue bonds
- Proceedings before Regional Water Quality Control Boards (various regions)
- Proceedings before the State Water Resources Control Board (including the California WaterFix)
- Regulatory compliance (including drought related regulations), potable water, recycled water, desalination water regulations and permitting, and monitoring legislation
- Safe Drinking Water Act



- Litigation including:
- Groundwater adjudications both pre and post-judgment proceedings; and proceedings to enforce judgments, standby water leases; water extraction rights and groundwater recharge obligations
- Administrative hearings, mediations, arbitrations and both federal and state civil (including the appeal level) litigation
- Brown Act and Public Records Act compliance
- CEQA litigation
- Construction contract disputes
- Eminent domain (related to water projects)
- Employment litigation including employee discharge and discrimination issues; discrimination; harassment; retaliation; wrongful termination; whistleblower; federal civil rights act; qui tam actions; False Claims Act; Government Code §1090; and wage/hour claims
- Tort litigation including claims processing

## **EXPERTISE IN ACTION**

In addition to the above, our Firm has developed expertise in diverse practice areas as evident in the "Our Practice" page of our Website. These areas of expertise include Contracts & Public Works, Environment & Natural Resources, Elections, Ethics & Open Government, Energy & Utilities, Labor & Employment, Public Finance, Land Use & Zoning, Property Acquisition & Takings, Legislative Analysis, Toxics & Hazardous Waste, and Risk Management & Torts.