

Water and Conservation

BHGR's Water and Conservation Group has a reputation for providing sophisticated, innovative legal services related to water rights, water quality, and land and water conservation.

In the words of the British-American poet, W.H. Auden, "Thousands have lived without love, not one without water." Water is a precious, rapidly dwindling commodity in the American West. BHGR's Water and Conservation Group is an industry leader in securing, protecting, and enforcing water rights, helping our clients meet and exceed state and Federal water quality standards, and assisting with land and water conservation efforts throughout Colorado, New Mexico, Utah, and Wyoming. We have tried ground-breaking cases in state and Federal courts, establishing important water and conservation law precedents.

Focus Areas

WATER RIGHTS

Our attorneys represent commercial and industrial businesses, energy companies, private landowners, ranchers, farmers, developers, non-profit organizations, and a variety of public entities seeking to acquire, develop, protect, and sell water rights throughout Colorado. We advise clients on water rights due diligence and purchases, water supply evaluation and planning, well permitting, applications for new water rights, changes of water rights, complex plans for augmentation, and leasing-fallowing and other water sharing agreements. We also regularly perform due diligence evaluations of our clients' water rights in conjunction with real estate transactions.

WATER QUALITY

Our attorneys represent water conservancy districts, states, municipalities, and a variety of water districts and providers on water quality matters under the Federal Clean Water Act and the Colorado Water Quality Control Act. We advise clients on water quality standards, participate in rulemaking proceedings in front of the Colorado Water Quality Control Commission, resolve discharge and permitting matters with the Colorado Water Quality Control Division, and assist in the implementation of 401 Certifications for large water storage projects on both sides of the Continental Divide.

LAND & WATER CONSERVATION

Our attorneys advise private landowners, non-profit land trusts, conservation organizations, and local governments in all aspects of conservation easement law, with extensive experience in water rights.

LITIGATION & APPEALS

When necessary to protect and enforce our clients' rights, we litigate cases in Colorado's water courts, the Colorado Supreme Court, and all Federal courts, including the United States Supreme Court.

Significant Published Cases

BHGR's attorneys have worked on cases that have resulted in published opinions, establishing state or Federal law, including the following significant published decisions:

Catskill Mountains Chapter of Trout Unlimited, Inc. v. U.S. Environmental Protection Agency, 8 F. Supp. 3d 500 (S.D.N.Y. 2014); 846 F.3d 492 (2nd Cir. 2017); cert. denied, 138 S.Ct. 1164 (U.S. 2018).

Grand Valley Water Users Ass'n v. Busk-Ivanhoe, Inc., 386 P.3d 452 (Colo. 2016).

Mesa County Land Conservancy, Inc. v. Allen, 318 P.3d 46 (Colo.App.2012), cert. denied (Colo. 2013).

Burlington Ditch Reservoir and Land Co. v. Metro Wastewater Reclamation Dist., 256 P3d 645 (Colo. 2011).

Friends of the Everglades v. South Fla. S. Water Mgmt. Dist., 570 F.3d 1210 (11th Cir. 2009), denied *en banc*, 605 F.3d 962 (11th Cir. 2010), cert denied 131 S. Ct. 645 (U.S. 2010).

City of Englewood v. Burlington Ditch, Reservoir and Land Co., 235 P.3d 1061 (Colo. 2010).

Meridian Ranch Metro. Dist. v. Colorado Ground Water Comm'n, 240 P.3d 382 (Colo. App. 2009), cert. denied (2009).

High Plains A&M, LLC v. Southeastern Colo. Water Conservancy Dist., 120 P.3d 710 (Colo. 2005).

City of Aurora ex rel. Utility Enterprise v. Colorado State Engineer, 105 P.3d 595 (Colo. 2005).

Simpson v. Bijou Irrigation Co., 69 P.3d 50 (Colo. 2003).