



## Jody Williams

### Senior Counsel

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**Jody helps clients navigate the complexities of doing business in the Mountain West, with a special focus on, and a national reputation for water law.**

#### PRACTICES

Water Resources  
Environmental  
Environmental Transactions

#### INDUSTRIES

Mining

#### EDUCATION

University of Utah S.J. Quinney College of Law, J.D., 1978

University of Utah, B.A., 1974  
*magna cum laude*

#### BAR ADMISSIONS

Utah  
Colorado

She understands the complex, competing demands for water across the region and the political, economic, and social contexts in which disputes arise. As a long-time problem solver, Jody has negotiated resolution of these conflicts with agencies, diverse stakeholders, and public interest groups. She is recognized throughout the industry for her knowledge of water rights, natural resources, commercial real estate transactions, and energy law. Her clients include industrial, commercial, and residential developers; water conservancy districts; energy and mining companies; ranchers; and water companies.

Jody currently serves as the Federal Commissioner and Chair of the Bear River Commission by appointment of President of the United States and has specialized in water issues in the Bear River Basin her entire career. She previously was appointed by two US Presidents to the Utah Reclamation Mitigation Conservation Commission, a federal agency responsible for mitigating environmental impacts from developing Utah's Colorado River apportionment by the Central Utah Project.

#### EXPERIENCE

Represents and negotiates with state and federal agencies, non-governmental organizations, entrepreneurs, and water users on:

- Purchases and sales of water rights
- Permitting conservation water rights and easements
- Licensing and permitting complex private and public water development projects
- Permitting and regulatory compliance for energy development
- Acquiring approval to change the beneficial use of water
- Performing due diligence review of water rights and real estate
- Negotiating complex public/private agreements regarding water regulated under an interstate compact

#### CLIENT RESULTS

##### Representative Matters

Appointed to Utah Executive Water Task Force, a 15-member group of

water professionals reviewing and advising on all Utah water law legislation.

Appointed member of Utah Governor's Water Advisory Team producing the 2017 "Recommended State Water Strategy" to develop recommended strategies and actions for the next 50 years of Utah's water future.

Appointed in January 2020 to the House Concurrent Resolution 10 Steering Group charged with developing recommendations for policy and other solutions to ensure adequate water flows to Great Salt Lake and its wetlands and present a report to the Utah Legislature and Governor in November, 2020.

As a board member of the Salt Lake Chamber, Utah's statewide chamber of commerce, educated the Chamber on water as a key driver of Utah's economy and the business need to plan for Utah's water future, resulting in the Chamber prioritizing water conservation and development in its ongoing strategic water initiative.

Representing major northern Utah technology company in water acquisition, development and contracting with local and state agencies to secure a water supply for its current wafer fabrication facility and potential expansion.

Negotiated a transbasin surplus water supply contract among two water districts and a private water company. Water historically transferred from our client's basin to the receiving basin will be retained by our client. It will be replaced to downstream users in the receiving basin out of holdover surplus held by the second water district, thus allowing each basin to maximize use of its water resources.

Represented potash mining development in appropriation of over 400,000 acre-feet of brine water and fresh water rights.

Represented a large water district and Utah's largest public water supplier in becoming the exclusive future wholesale water supplier to western Summit County, Utah, home of Park City and three major ski resorts. The project required negotiating several major agreements to acquire and consolidate existing systems and water supplies, bond for and construct new infrastructure according to a 40-year plan, and negotiate the purchase of a major water supply for transbasin diversion to the project.

Representing a large Nevada water district in challenges to new Utah groundwater appropriations in a shared interstate underground aquifer which has not been apportioned between the two states.

Key negotiator for one of four Bureau of Reclamation projects supplying water to urban northern Utah in resolution of a dispute over a transbasin surface water diversion and resolving serious operating issues arising from conflicting interpretations of a 60-year-old contract.

Negotiated a global settlement of claims agreement among three states party to an interstate compact, all mutual water companies diverting water

from the interstate river, a utility company, and recreational and environmental interests, avoiding original litigation in the United States Supreme Court.

Represented the owner of all of the earliest priority water rights in a river flowing through proposed wilderness areas in establishing the first major instream flow water right in Utah. The transaction involved donations of riparian lands, grazing permits, and water rights, a contested change of use of water, and a subordination agreement that protected upstream water owners, including an electric generating plant, the Bureau of Reclamation, and early priority irrigation companies. The instream flow was supported by Utah's governor and congressional delegation.

Purchased 14,000 acre-feet of irrigation water and secured administrative changes for the water to be consumed in a coal-fired power plant, settling litigation and appeals.

Negotiated acquisition of a storage water supply for industrial use from a Bureau of Reclamation reservoir previously authorized only for irrigation. The negotiation required contracting with the United States for recapture of foregone interest and payment of a portion of the construction cost of the reservoir, as well as reimbursement for the irrigation companies' interests in the reservoir.

Represented a major water district in acquisition of a 40% sharehold interest in a hostile water company.

Negotiated settlement of longstanding litigation among a city water department, a water district, and a private water company as attorney for a major regional water district, including acquisition of assets and water rights, construction of new reservoirs, water treatment plants, pipelines, and other facilities. The regional water district became the water supplier to all three retail water suppliers.

Represented client in first transfer of agricultural water right to industrial use in Wyoming.

Represented companies in acquisition and permitting of sand and gravel operations.

Represented Utah Department of Transportation in acquisition of water supply for mitigation areas, including the 1,100 Legacy Parkway mitigation area.

Represented ski resort in acquisition of water for domestic, commercial, irrigation, fire protection, and snowmaking purposes, and subsequent transfer of a portion of the water right to a water district created to supply resort and other properties.

Represented multiple developers of subdivisions in acquisition and transfer of sufficient water to permit development.

Represented oil and gas developers in acquisition of water for drilling and

production.

## **PUBLICATIONS**

"The Colorado River in Utah: Past, Present, and Future," *Holland & Hart News Update*, 11/02/2022

"Practical Guide to Navigating Utah's Water Rights Adjudication Process," *Holland & Hart News Update*, 03/25/2021

## **SPEAKING ENGAGEMENTS**

"Colorado River in Crisis: What Does it Mean for Utah Businesses?," *Salt Lake Chamber Webinar, Panelist*, 10/04/2022

"Quantifying Water Risk as a Business Risk," *CLE International Utah Water Law Conference, Keynote Speaker*, October 2019

## **RECOGNITION**

- *Attorney Intel*, The Top 25 Attorneys of Utah for 2022
- *The Best Lawyers in America*® Lawyer of the Year, Water Law—Salt Lake City, 2016
- *The Best Lawyers in America*®, Natural Resources Law, 2003-2024; Environmental Law, 2006-2024; Water Law, 2007-2024; Litigation – Environmental, 2011-2024; Agriculture Law, 2021-2024
- *Chambers USA*, Energy and Natural Resources, 2011-2014, Energy and Natural Resources: Water Law, Spotlight Table, 2012-2014, Environment, Natural Resources & Regulated Industries, 2015-2020; Natural Resources & Environment, 2021-2024
- Martindale-Hubbell®, AV Preeminent® Rating
- Mountain States Super Lawyers®, Energy & Resources, 2011-2019
- Mountain States Super Lawyers®, "Top 50 Women," 2012
- Utah State Bar, Energy, Natural Resources and Environmental Law Section, Lawyer of the Year, 1994
- *Utah Business Magazine*, "30 Women to Watch"
- *Utah Business Magazine*, Utah Legal Elite, 2008-2009, 2011-2012, 2015; Real Estate, 2016; Energy & Natural Resources, 2017-2021; Environmental, 2022
- Salt Lake Chamber of Commerce "Pathfinder 2011" Award

## **PROFESSIONAL AND CIVIC AFFILIATIONS**

- Utah Department of Natural Resources, Water Task Force, Committee Member, January 2020-present
- Bear River Commission, Federal Commissioner and Chair, October 2014-present
- Utah Governor Gary Herbert's State Water Strategy Advisory Team, Member

- Utah Reclamation Mitigation and Conservation Commission, Chair, February 2001-October 2014
- Salt Lake Chamber of Commerce, Board of Governors, Member
- Utah State Wildlife Board, Chair, November 1993-May 1995
- Utah State Bar, Energy, Natural Resources & Environmental Law Section, Chair, 1991-1992
- Commercial Real Estate Women (CREW) Utah, Committee Member