



Jody Williams

Partner

222 South Main Street, Suite 2200, Salt Lake City, UT 84101

P 801.799.5965

JLWilliams@hollandhart.com

Jody Williams 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 Law
Environmental and Natural Resources
Linear Infrastructure

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, as appointed by President Obama, and has specialized in water issues in the Bear River Basin her entire career. She was also appointed by President Clinton, and reappointed by President Bush, 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

Experience representing and negotiating with state and federal agencies on:

- Purchases and sales of water rights
- 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
- Negotiated complex public/private agreements regarding water regulated under an interstate compact

CLIENT RESULTS

Representative Matters

Appointed in October 2013 by Utah Governor Gary Herbert to Utah's State Water Plan Advisory Team, charged with soliciting and evaluating water management and supply options and developing recommended strategies

and actions for Utah's 50-Year Water Plan.

As a board member of the Salt Lake Chamber, Utah's statewide chamber of commerce, educated the Executive Board of the Chamber on water as a key driver of Utah's economy and the business need to plan for Utah's water future. As a result, the Chamber is developing a strategic water initiative and included water as a policy priority in its 2014 Public Policy Guide.

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 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.

SPEAKING ENGAGEMENTS

"The Bear River Compact and Utah/Idaho Bear Lake Storage Applications," *Keynote Speaker, AWRA Utah Section 47th Annual Water Resources Conference*, Salt Lake City, UT, May 2019

"The Western Appropriation Doctrine – Always There in Good Times and Bad Times," *Speaker, CLE International*, Salt Lake City, UT, October 2014

RECOGNITION

- *The Best Lawyers in America*® Lawyer of the Year, Water Law– Salt Lake City, 2016
- *The Best Lawyers in America*® Environmental Law, Litigation – Environmental, Natural Resources Law, Water Law, 2003-2019
- *Chambers USA: America's Leading Lawyers for Business*, Energy and Natural Resources, 2011-2013, Energy and Natural Resources: Water Law, 2012-2014, Environment, Natural Resources & Regulated Industries, 2015-2019
- 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, 2017-2019
- Salt Lake Chamber of Commerce "Pathfinder 2011" Award

PROFESSIONAL AND CIVIC AFFILIATIONS

- 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, Member, Board of Governors
- 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