

As an attorney and hydrologist, Graham Gilbert has comprehensive knowledge and experience to help clients navigate issues related to water rights and water development projects.



Graham J. Gilbert

Shareholder | Salt Lake City

Biography

Graham Gilbert is a member of Parsons Behle & Latimer's environmental and natural resources practice team. His practice focuses on water law, including appropriation, management, and sale of water rights and development of water projects. In addition, Graham regularly assists clients with real estate matters, including acquisition, entitlement, development, and disposition of real property. He also assists clients with environmental matters, including purchase, sale, and cleanup of environmentally impaired properties and water quality permitting. Graham holds a water rights certification from the Rural Water Association of Utah and the Utah Division of Water Rights.

Graham's background as a hydrologist gives him a deep understanding of technical issues and allows him to effectively communicate with regulators, engineers and scientists and to develop practical solutions for clients. Prior to his legal career, Graham provided services to Colorado clients, including water conservation districts, municipalities, ski resorts, ranches, and oil and gas companies. Graham's experience includes preparation of technical information in support of water rights applications and change applications; development of technical information to support NEPA reviews for ski area expansion and reservoir development; design and management water quality monitoring programs; completion of water quality analyses; and the preparation and management of stormwater pollution prevention plans.

Contact information

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Capabilities

Water Rights, Quality & Infrastructure

Environmental & Natural Resources

Energy & Utilities

Project Permitting & Compliance

Environmental Litigation &

Administrative Appeals

Real Estate

Licensed/Admitted

Utah

U.S. Dist. Court, Dist. of Utah

Utah Supreme Court

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Experience

Securing and Changing Water Rights

Assisted clients with appropriating new water rights, changing existing water rights and securing related approvals (e.g. requests for reinstatement, requests for extension, requests for reconsideration, reports of conveyance, etc.).

Water Rights Hearing

Represented clients at hearings before the Utah State Engineer/Utah Division of Water Rights.

Due Diligence in Water Rights Developments Across Five States

Completed due diligence for acquisition and sale of water rights, including tribal water rights, for industrial, commercial, ski resort, golf course and residential developments in Utah, Nevada, California, Colorado, and Arizona.

Protecting Water Rights

Assisted clients with filing a Statement of Water User's Claim and protecting their water rights in the Utah Lake and Jordan River General Adjudication.

Water Supply Agreement

Negotiated water supply agreements for residential, resort and industrial development projects.

Water Supply for Solar Projects

Assisted renewable energy investment company with securing water supply to serve multiple Utah solar projects.

Water Rights Portfolio Management

Managed water rights portfolios for agricultural, commercial and water improvement district clients.

Water Rights as Collateral in Loan

Assisted lenders with securing an interest in water rights as loan collateral.

Easement for Water Diversion

Assisted with easements for water diversion and conveyance infrastructure.

Relocation of Water Diversion

Negotiated relocation of water diversion and conveyance infrastructure.

Wastewater Due Diligence

Completed due diligence regarding the design, construction and capacity of a wastewater reclamation facility.

Resort Developments

Assisted with land use entitlements for commercial, residential and resort developments.

Commercial and Residential Development

Assisted clients with rezones and master plan amendments for residential and commercial development.

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Municipal and County Boards

Represented clients before municipal and county boards and commissions, including planning commissions, city/county councils, historic preservation boards, and boards of adjustment.

Zoning and Development Agreements

Worked with counties, cities and local districts on issues related to water supply, land use, zoning enforcement and development agreements.

Property Due Diligence

Completed due diligence on behalf of developers, lenders and a receiver for acquisition or sale of commercial, golf course, resort, residential and school properties.

Requests for Advisory Opinions

Assisted developers with requests for advisory opinion to the Utah Office of the Property Ombudsman.

Commercial, Resort and Residential Development

Drafted and negotiated development agreements for commercial, resort and residential development.

Wastewater Treatment Facility

Served as outside general counsel for a large wastewater treatment facility.

Contaminated Properties

Represented clients in the purchase and lease of contaminated properties.

BFPP Liability Protection

Advised clients regarding establishing Bona Fide Prospective Purchaser (BFPP) liability protection under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Inquiries to Qualify as BFPP

Assisted clients with performing All Appropriate Inquiries, including completion of Phase I and Phase II Environmental Site Assessments, to qualify as a Bona Fide Prospective Purchaser (BFPP).

Management of Liability in LUSTs

Advised client with management of liability associated with purchase of property impacted by off-site, leaking underground storage tanks (LUSTs).

Contaminated Site Closure and Acquisition

Advised clients regarding contaminated site closure and acquisition of no further action letters and enforceable written assurances.

Clean Water Act Compliance

Assisted industrial clients with Clean Water Act compliance, including seeking Utah Pollutant Discharge Elimination System (UPDES) (the state equivalent of EPA's National Pollutant Discharge Elimination System (NPDES)) and stormwater permits.

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EPA Violations

Replied to notices of violation from the EPA and Utah Division of Solid and Hazardous Waste.

Disclosure of Permit Violations

Assisted oil and gas and commercial clients with voluntary disclosure of permit violations.

Disclosure of Clean Water Act Violations

Assisted resort client with voluntary disclosure of Clean Water Act violations.

Hazardous Waste and Contribution Claims

Analyzed hazardous waste, gasoline and diesel contamination, explored cleanup alternatives, completed corrective action, and negotiated contribution claims.

Administrative Proceedings with Various Utah Regulatory Departments

Participated in administrative proceedings before the Utah Division of Water Rights; Utah Division of Water Quality; Utah Board of Oil, Gas and Mining; the Utah Office of the Property Ombudsman; and the Utah Department of Alcoholic Beverage Control.

Accomplishments**Professional**

Judicial Clerk to The Honorable Jill N. Parrish (2011-2012)

Water Rights Certification, Rural Water Association of Utah and Utah Division of Water Rights (2019)

Utah Business Magazine "Utah's Legal Elite": Energy/Natural Resources, (2021)

Best Lawyers in America "Ones to Watch," Environmental Law, Natural Resources Law (since 2021)

Mountain States Super Lawyers®, "Rising Stars": Energy & Resources (2019-2021)

Academic

University of Utah, S.J. Quinney College of Law (J.D., highest honors, 2011)

- Quinney Award Recipient (5th Ranked Student)
- The Order of the Coif
- Articles Editor, Utah Law Review

Lewis & Clark College (B.A., Environmental Studies, with honors, summa cum laude, 2002)

Associations**Professional**

The Foundation for Natural Resources and Energy Law (previously Rocky Mountain Mineral Law Foundation)

Rural Water Association of Utah

Utah Water Users Association

American Bar Association

- Planning Committee, Annual ABA Water Law Conference (2013-2018)
- Environment, Energy, and Resources Section

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Utah State Bar

- Energy, Natural Resources, and Environmental Law Section
- Appellate Practice Section

Salt Lake County Bar

- Young Lawyers Division

Community

Law Student Programs Coordinating Committee, The Foundation for Natural Resources and Energy Law (previously Rocky Mountain Mineral Foundation) (2021- 2023)

Mentor of Undergraduate and Law Students at the University of Utah (2016-Present)

Articles

“Utah Division of Water Rights Announces New Tool to Track Status of Change Applications,” *S&W Environmental, Natural resources, Oil and Gas Law Blog*, June 23, 2020

Presentations

“Legislative and Case Law Update,” Utah Water Law and Policy Seminar, March 21, 2022

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