

**CONTACT**

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**PRACTICE AREAS**

Environmental Litigation  
Real Estate  
Real Estate & Land Use Litigation  
Renewables  
Water Resources

**EDUCATION**

Georgetown University Law  
Center  
Brown University  
Kalamazoo College

**BAR AND COURT ADMISSIONS**

Washington State Bar

**ADAM W. GRAVLEY**

**PARTNER**



**Professional Background**

Adam practices environmental and water law with a focus on water resources development, transactions, civil litigation, and public policy. His comprehensive water rights practice includes permitting, project water supply acquisition, water transfers and water supply agreements, transactions and due diligence, public water system and drinking water regulation, litigation and appeals, general stream adjudications, settlement and mediation, long-term planning and strategic analysis, governance and interagency agreements, legislation and agency rule-making, and related real estate, municipal, and public utility law matters. Adam has assisted project development clients in finding solutions for municipal, industrial, energy, and agricultural water supply. He has worked with numerous municipal water utilities and suppliers to address water supply and water quality challenges.

**Representative Experience**

- Serves as legal counsel to the Washington Water Utilities Council, a state association of nearly 200 municipal water utilities that coordinates water law and policy involvement. Represented the association throughout the trial and appellate phases of *Lummi Indian Nation v. State*, 241 P.3d 1220 (2010), a constitutional challenge to the 2003 Municipal Water Law, including arguing before the State Supreme Court. Adam frequently advocates as "friend of the court" (*amicus curia*) in water cases of statewide importance. The work features a diverse array of issues including state water rights law and administrative policy, water availability and adjudication policy, instream flows and public interest issues, public water system regulation and state implementation of the Safe Drinking Water Act, "wet growth" issues, revolving fund and budget matters, and legislative proposals.
- Represents Cascade Water Alliance on water rights and municipal water supply. The work involves securing new municipal water rights and amending existing hydropower water rights for Lake Tapps; negotiating and implementing agreements with Indian tribes, regional jurisdictions, the local community, and the Washington Department of Ecology; and negotiating and drafting wholesale water supply contracts with regional suppliers. Key issues include change and transfer of existing water rights, instream flows and fisheries, trust water and impact mitigation, Indian water rights, hydropower licensing, and future growth planning.
- Represents an institutional investor in due diligence, acquisition, and management of over 25,000 acres of agricultural property investments in Washington State. Matters involve due diligence relating to water rights, land use, and real estate; advising on negotiations and purchase terms; and working with state and federal agencies to obtain, amend, or renew permits and approvals for farming operations and infrastructure. Key issues include evaluation of existing water, land, or access rights for water pumping and conveyance infrastructure, and impact of new regulatory developments under state water law, the Endangered Species Act, Clean Water Act, and others.
- Chaired attorneys committee for successful water utility effort to draft, propose, and advocate for legislation to reform fire protection facility funding and risk allocation. The effort involved coordinating a large attorney team, presenting analysis and recommendations to a stakeholder group, and navigating existing law and prior state supreme court opinions to identify a viable legislative solution in support of policy objectives. Key issues included classifying charges as tax or fee, fire protection regulations, ratemaking and cost of service laws, public duty doctrine, and public policy issues relating to inherently risky activity for public good.
- Mediated a dispute between a county and a water district involving aquifer-impact risks associated with

deep-bore tunneling relating to a wastewater treatment plant project. Key issues included complex technical information, risk analysis and allocation, drinking water source contingency planning, project schedule and budget, and prior dispute resolution events.

- Represented Microsoft Corporation in securing water supply for a large commercial office development in a water-short location. The matter involved negotiations with land owners and four jurisdictions to craft a set of agreements for extension, construction, and funding a new regional water transmission pipeline, for wholesale municipal water supply, and for allocation and security of the resulting water availability. Key issues included public/private project authority, regional water rights, water availability requirements for new growth, and compliance and approvals involving the Washington State departments of Ecology, Health, and Transportation.

### Awards and Honors

#### "Best Lawyers in America" by *Best Lawyers*

Environmental Law, 2007-2018

Litigation-Environmental, 2011-2018

Utility Law, 2017-2018

Water Law, 2010-2018

#### "Super Lawyers" by *Washington Law & Politics*

2004-2015

### Articles and Presentations

- Panelist, "Stakeholder Perspectives on Approaches To Balance Instream and Out-of-Stream Water Uses in Rural Areas in the Wake of the Swinomish Decision" - Water Law in Washington, Law Seminars International, Seattle WA, 07/27/2015

### Alerts

- Court Reinforces Finality of Water Rights Determinations and Avoids Ownership Dispute, 09/19/2018
- Washington Legislature Adopts a "Hirst Fix," and Department of Ecology Considers Comments on Its Interpretation of the New Legislation, 02/27/2018
- Western Water/Growing Cities: An Examination of 11 States' Approach to the Issue, 11/14/2017
- State Supreme Court Roils Rural Water Supply in Growth Management Decision, 12/12/2016
- Rural Water Strategies: The Saga Continues, 11/19/2015
- Washington's Extreme Drought Stresses Water Users, Regulators, and Legal System, 08/13/2015