

January 29, 2015

Victory in Clean Water Act Case Saves Community's Water Supply

Brownstein Hyatt Farber Schreck secured a decision in the federal court for the District of Colorado precluding third parties from closing a Bureau of Land Management ("BLM") well that supplies water for Brownstein's client, Park Center Water District. Individual residents of the area near the well commenced a citizen's action under the Clean Water Act to enjoin water releases from a BLM well that supplies water to some 4,000 residents in the Park Center District. James Wade, manager for Park Center, said, "Because the BLM well is the sole water supply for our community, Park Center intervened in the case to preclude closure of the well." In denying the plaintiff's request to shut down the BLM well, the court noted that Park Center depends on the water to serve its 4,000 customers, who have no other feasible water supply. Further, the court found that plaintiffs did not demonstrate discharges from the old well caused irreparable harm, especially given that BLM had entered into a Federal Compliance Agreement with the EPA to restrict uncontrolled discharges from the well. The court therefore declined to enjoin the BLM's operation of the well.

Park Center was represented by Brownstein Hyatt Farber Schreck's Natural Resources and Litigation attorneys Ronda Sandquist and Martha Fitzgerald, with support from Carrie Johnson.

See: [Order, January 13, 2015, CV No. 134-CV-007-1 – RM – BNB.](#)

This document is intended to provide you with general information regarding a recent court decision impacting water for the Park Center District. The contents of this document are not intended to provide specific legal advice. If you have any questions about the contents of this document or if you need legal advice as to an issue, please contact the attorneys listed or your regular Brownstein Hyatt Farber Schreck, LLP attorney. This communication may be considered advertising in some jurisdictions.

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