

# Snell & Wilmer

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## **Fred Breedlove**

Counsel | Phoenix

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## **Main Bio**

Fred Breedlove focuses his practice on water, state and federal lands, mining, administrative law, and governmental relations. His experience includes water rights transactions (groundwater, surface water, and Colorado River entitlements), assured water supply permitting, consultation on compliance with active management area management plans, land and natural resource management, state land acquisition, federal Indian law, solar project siting, and cultural resources. Fred has represented land developers, landowners, golf courses, ranchers, farmers, private water and energy utility businesses, government agencies, and investment firms.

His experience includes managing the grazing, agriculture, minerals, water rights, environmental, trespass, and natural resource conservation district programs for the Arizona State Land Department, and coordinating with state, Tribal, and federal government agencies on non-urban land management and planning. Fred has worked closely with ranchers and farmers to address resource management concerns including cultural resources, water availability, endangered species, travel management, grassland restoration, invasive species, and environmental contamination. He has experience coordinating with state and federal public officials and agencies on border issues on behalf of the state and the lessees of state grazing land and siting projects within the jurisdiction of the International Boundary and Water Commission.

Fred also served as the legislative liaison for the Arizona Department of Water Resources for five years and he has experience with the Arizona legislative process, bill drafting, and government relations.

## **Representative Experience**

- Consultation and providing comment to Arizona Department of Water Resources regarding impacts of proposed conservation requirements in the Active Management Area Fourth and Fifth Management Plans on behalf of golf course, mining, and agriculture clients
- Represented client in seeking state approval for public/private cooperative effort to transport groundwater to public water providers in the initial Active Management Areas ("AMAs") from an approved groundwater transportation basin
- Represented client in seeking "Type 2" groundwater rights sufficient to support a large industrial facility in the Phoenix AMA and provided guidance for maintaining compliance with reporting and conservation requirements
- Represented client in seeking lease of "Type 2" groundwater rights from the Arizona State Land Department

- Represented client in seeking state approvals for converting irrigation groundwater rights to “Type 1” non-irrigation groundwater rights
- Represented clients in seeking approvals from the Arizona Department of Water Resources for transferring ownership of Certificate of Assured Water Supply
- Advised client regarding the transferability of certain Colorado River entitlements and obtaining federal approval for the transfer
- Guided developer through process of converting Salt River Project served agricultural lands to urban development
- Assisted client through process of purchasing State Trust lands for solar and other commercial projects
- Obtained State Trust land leases for commercial, mining, agricultural, and ranching/grazing purposes
- Provided legal analysis of risks related to the potential acquisition of State Trust lands that have reserved mineral rights
- Represented client in seeking cooperation and approval from U.S. Forest Service under the federal Small Tracts Act for acquisition of small parcel of Forest Service land inadvertently encroached upon by adjacent private landowner
- Counseled client through National Historic Preservation Act (“NHPA”) cultural resources clearance process for high-speed data transmission line
- Advised client regarding pending legislation; provided background information to individual legislators and testimony to legislative committees on client’s behalf and in support of client’s interests

## **Education**

- Vermont Law School (J.D.)
  - Jonathan B. Chase Award for Excellence in Legal Writing
- Western Washington University (B.S., Environmental Policy & Assessment)

## **Professional Memberships & Activities**

- Maricopa County Bar Association (2020-Present)
- State Bar of Arizona
  - Environmental and Natural Resources Law Section (2009-2016, 2021-Present)
    - At-large Member (2021-Present)
    - Secretary of Executive Council (2015-2016)
    - At-large Member (2011-2015)
- Arizona Cattle Growers' Association (2019-Present)
- Green Chamber of Phoenix
  - Board Member (2015-2016)
- Arizona Green Chamber Public Policy Committee
  - Chair (2015-2016)

## **Representative Presentations & Publications**

- "Arizona Groundwater Policy," Author, The Water Report: Water Rights, Water Quality & Water Solutions in the West (August 2023)
- "Water Law in the Southwest: The Evolving Law of the Colorado River," Presenter, Snell & Wilmer Virtual CLE Series (June 27, 2023)
- ["Breaking News: Phoenix AMA Has an Abundance of Groundwater for the Next 100 Years and Beyond,"](#) Co- Author, Snell & Wilmer Legal Alert (June 14, 2023)
- ["The Importance of Reusing Water in Arizona is Growing as Other Sources Become More Scarce,"](#) Co-Author, Snell & Wilmer Legal Alert (June 6, 2023)
- ["Long-Term Storage Credits: Securing Arizona's Water Future,"](#) Co-Author, Snell & Wilmer Legal Alert (June 1, 2023)
- ["The Law of the Colorado River: An Opportunity for Change,"](#) Co-Author, Snell & Wilmer Legal Alert (May 23, 2023)
- ["Arizona's In-State Surface Water Resources: Appropriable Water Fosters Economic Development,"](#) Co-Author, Snell & Wilmer Legal Alert (May 16, 2023)
- ["Arizona Groundwater Supplies: More Than a Drop in the Bucket, Problems and Solutions for Policymakers,"](#) Co-Author, Snell & Wilmer Legal Alert (May 9, 2023)
- ["As an Excellent Winter Transitions to an Uncertain Spring, How Secure Are Arizona's Water Supplies?"](#) Co-Author, Snell & Wilmer Legal Alert (May 1, 2023)
- ["Biden Administration Considers Interrupting the "Law of the River" Status Quo,"](#) Author, Snell & Wilmer Legal Alert (April 12, 2023)
- ["Basin States Agree to Reduced Colorado River Deliveries,"](#) Author, Snell & Wilmer Environmental, Natural Resources, Oil & Gas Law Blog (April 25, 2022)
- ["Feds Considering Emergency Reductions to Colorado River Deliveries,"](#) Author, Snell & Wilmer Environmental, Natural Resources, Oil & Gas Law Blog (April 15, 2021)
- ["Rare Rulemaking Initiated by Arizona Department of Water Resources,"](#) Author, Snell & Wilmer Environmental, Natural Resources, Oil & Gas Law Blog (October 18, 2021)
- ["Megadrought to Pit Fish Lives Against Human Needs in U.S. West,"](#) Quoted, Bloomberg Law (August, 23, 2021)
- ["Reclamation Declares Tier 1 Shortage on Colorado River for 2022,"](#) Author, Snell & Wilmer Environmental, Natural Resources, Oil & Gas Law Blog (August 17, 2021)
- "Surface Water 101," Presenter, Sustaining Flows Council Verde River Stakeholder Workshop (July 20 & 28, 2021)
- ["Colorado River Lower Basin States Face Tier 1 Shortage and Maybe More,"](#) Author, JD Supra (April 21, 2021)
- "Environmental & Natural Resources Policy Update," Presenter, Southern Arizona Environmental Management Society Inc. (March 31, 2021)
- ["No Good Deed Goes Unpunished: AZ Drought Contingency Plan Stakeholders Recruited for Next Phase of Colorado River Work,"](#) Author, Snell & Wilmer Environmental, Natural Resources, Oil & Gas Law Blog (June 19, 2020)
- ["So You Want to Develop Some Land? Practical Guidance for complying with NHPA Sec. 106 and AZSHPA \(A.R.S. Sec. 41-861 et seq.\),"](#) Presenter, "So Your Client wants to Develop Some Land..." Maricopa County Bar Association Real Estate, Construction, and Environmental Sections CLE (June

2, 2020)

- "[Water for Development in 15 Minutes](#)," Presenter, "So Your Client wants to Develop Some Land..." Maricopa County Bar Association Real Estate, Construction, and Environmental Sections CLE (June 2, 2020)
- "[Drought and Water Demand Continues in Spite of COVID-19 Pandemic](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (April 15, 2020)
- "[Opportunities for Public Involvement Regarding the Pinal County Active Management Area](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (February 28, 2020)
- "[Management Plan Work Group Offers Public Opportunity to Develop Water Policies](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (February 26, 2020)
- "Understanding Arizona Groundwater Rights," Co-Presenter, Arizona Water Laws and Regulations Seminar, Tempe, AZ (January 29, 2020)
- "[Arizona's Cultural Resource Review Process Is a Challenge for Public Land Industries](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (September 25, 2019)
- "[Colorado River News is a Mixed Bag: Heavy Snowmelt Can't Prevent 'Tier Zero' Shortage](#)," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (August 22, 2019)
- "Arizona State Lands 101," Presenter, State Bar of Arizona Annual Convention (June 2018)
- "Bureau of Land Management's Proposed Fracking Rule Update Impacts Indian Lands," Author, American Bar Association Section of Environment, Energy, and Resources' Native American Resources Committee Newsletter (May 2014)
- "Implementing the Resource Conservation and Recovery Act (RCRA) in Indian Country and Opportunities for Amending RCRA to Better Serve Tribal Interest," Author, Vermont Law Review (2003)

## Professional Recognition & Awards

The Best Lawyers in America<sup>®</sup>, Environmental Law (2024); Natural Resources Law (2024)

## Community Involvement

- Community Legal Services
  - Vice-President (2023-Present)
  - Board of Directors (2020-Present)
  - Executive Committee Treasurer (2022-2023)
  - Executive Committee Member-at-Large (2021-2022)
- Youth T-Ball Coach (2020)
- Youth Soccer Coach (2013-2016, 2018-2019, 2021)
- Luke Air Force Base, Honorary Commander (2004-2005)

## Previous Professional Experience

- Arizona State Land Department Natural Resources Division, Director (2016-2019)
- Squire Patton Boggs, Senior Associate (2011-2016)

- Arizona Department of Water Resources, Deputy Counsel (2009-2011), Legislative Liaison (2006-2011)
- Arizona Senate, Research Analyst (2005-2006)
- City of Peoria, Arizona, Intergovernmental Affairs Intern (2003-2004)
- Colorado River Indian Tribes, Paralegal (2002-2003)
- U.S. Department of Energy, Presidential Management Fellow/Intern (2001-2002)
- U.S. Environmental Protection Agency, Office of Solid Waste Tribal Program Intern (1997-1998)

## **Bar Admissions**

- Arizona

## **Court Admissions**

- Supreme Court of Arizona