

## David C. Taussig, Partner



### BIOGRAPHY

David Taussig is a fourth generation native of Colorado, who got his feet wet in water matters on the end of a shovel irrigating mountain hay meadows on the family cattle ranch near Kremmling. He learned the consumptive end of the water business early on, but he finds the community benefit from non-consumptive water uses for fishing and recreation to be equally important. He has been a partner at White & Jankowski since 1996.

In the litigation context, Dave has litigated or negotiated to successful conclusion a number of complex water rights cases in the Colorado water courts for direct flow and storage rights for over 49,000 acre-feet of water on Clear Creek, in the Poudre Basin and the Arkansas River. Before the Colorado Ground Water Commission, Dave has assisted numerous eastern Colorado communities and municipal interests to secure hundreds of acre-feet of firm water supplies in the designated ground water basins.

Dave is also active in water rights transactions, representing buyers, banks, and sellers in the purchase and sale of water rights, due diligence and ownership review, creating liens and security interests, and preparation of all sorts of transactional documents for closing. Working with real estate attorneys, Dave routinely advises clients on water rights title and due diligence in their purchase of working and legacy farms and ranches in Colorado.

Dave's heritage stems from his grandfather's historic court battles in *Denver v. Sheriff* and *Taussig v. Moffat Development Company*, and although he is not opposed to litigation when necessary, since 2006 Dave has successfully negotiated various Colorado River water-related agreements on behalf of Grand County. He represented Grand County on negotiations of the Colorado River Cooperative Agreement, a landmark agreement involving Denver Water and numerous other west slope entities under which Denver Water agreed to a variety of environmental enhancements and other benefits for the west slope. He continues on behalf of Grand County to negotiate with the Northern Colorado Water Conservancy District and its Municipal Subdistrict for additional environmental benefits as part of the Windy Gap Firing Project. Dave also works with a diverse group of stakeholders on Wild and Scenic Rivers Act issues on the Upper Colorado River and clarity of the water in Grand Lake.

Dave believes in giving back to the water community through his service as a member of the board of directors for the Upper Big Sandy Ground Water Management District, as a director for the Colorado Water Trust, and as Lincoln County's appointee to the Arkansas River Roundtable. He has also been recognized in *Colorado Super Lawyers*® and has earned AV Preeminent® ratings from Martindale-Hubbell®.

### CONTACT INFORMATION

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### PROFESSIONAL SUMMARY

#### AREAS OF PRACTICE

- Water Law
- Natural Resources Law
- Litigation

#### BAR ADMISSIONS

- Colorado, 1987
- United States District Court, District of Colorado, 1987

EDUCATION

- University of Denver Sturm College of Law, Denver, Colorado, 1986  
- J.D., Doctor of Jurisprudence
- Colorado State University, Fort Collins, Colorado, 1982  
- B.A., Bachelor of Arts

PUBLISHED WORKS

- *The Devolution of the No-Injury Standard in Changes of Water Rights*, 18 U. Denv. Water L. Rev. 116 (2014)
- *The 1969 Act's Contributions to Local Governmental Water Suppliers*, 3 U Denv. Water L. Rev. 20 (1999)
- *City of Thornton v. Bijou Irrigation Co.: The Thornton Northern Project*, 26 Colo. Law. 67 (1997)

REPRESENTATIVE CASES

- *Grand Valley Water Users Ass'n v. Busk-Ivanhoe, Inc.*, 386 P.3d 452 (Colo. 2016)
- *Simpson v. Bijou Irrigation Co.*, 69 P.3d 50 (Colo. 2003)
- *City of Thornton v. City & County of Denver*, 44 P.3d 1019 (Colo. 2002)
- *Upper Black Squirrel Creek Ground Water Mgmt. Dist. v. Goss* (amicus curiae), 993 P.2d 1177 (Colo. 2000)
- *Eagle Peak Farms Ltd. v. Lost Creek Ground Water Mgmt. Dist.*, 7 P.3d 1006 (Colo. App. 1999)
- *City of Thornton v. Bijou Irrigation Co.*, 926 P.2d 1 (Colo. 1996)
- *City of Thornton v. Clear Creek Water Users Alliance*, 859 P.2d 1348 (Colo. 1993)

REPRESENTATIVE CLIENTS

- Arikaree Ground Water Management District
- Board of County Commissioners, Grand County, Colorado
- City of Thornton, Colorado
- JBarM Ranch
- Stillwater Resources & Investment, Inc.
- Town of Deer Trail, Colorado
- Town of Genoa, Colorado
- Town of Limon, Colorado
- Town of Ordway, Colorado
- Tri-State Generation and Transmission Association, Inc.

CLASSES & SEMINARS TAUGHT

- *Negotiating the Deal and Purchase and Sale Agreements, Water Transfers Conference, Nuts & Bolts, Case Studies and More*, CLE Int'l, Beaver Creek, Colo. (July 25–26, 2013)
- *Challenges and Opportunities in Protecting Nonconsumptive Uses in an Ecologically Limited River System Like the Colorado River and Its Tributaries in Grand County*, University of Denver Water Law Review Symposium: Addressing Supply and Demand Imbalances in the Colorado River Basin, Denver, Colo. (Apr. 12, 2013)
- *Collateralizing Water Rights for Lending Purposes*, Colorado Lending Source, Denver, Colo. (June 2012)
- *The Purchase and Sale Agreement, Checklist of Purchase and Sale Agreement Provisions*, CLE Int'l, Denver, Colo. (Dec. 8–9, 2011)
- *West Slope Perspective re Recent Agreement Between Denver Water and West Slope*, CBA CLE, Denver, Colo. (Sept. 8, 2011)
- *Nuts and Bolts of a Water Transfer Transaction Part 1, the Purchase Agreement*, CLE Int'l Water Marketing, Beaver Creek, Colo. (Dec. 9–10, 2010)

- Colorado River Current Events and Issues, Water Resources, Issues and Administration of the Colorado River Basin, CBA CLE, Denver, Colo. (Sept. 24, 2010)
- Wild and Scenic River Suitability for the Upper Colorado River, 6th Annual Water Law Conference, CBA CLE, Steamboat Springs, Colo. (June 25–27, 2009)
- Colorado Water Law Basics: The Foundation and the Future, CLE Int'l, Denver, Colo. (Mar. 2008)
- Acquisition Development and Adjudication of Water in Colorado, IPI Seminars, Denver, Colo. (Oct. 26, 2004)
- Partnering a Deal: Helping Your Customers Buy and Sell Water Rights, Independent Bankers of Colorado, 16th Annual Agricultural Conference, Colorado Springs, Colo. (Apr. 15, 2004)
- Workshop on Legal Ethics in Water and Environmental Law, Ethical Considerations in Asserting Privileges, Colorado Water Congress, Denver, Colo. (1998–99, 2001–04)
- Basics of Water Law, Farm Credit of Southern Colorado Retreat, Colorado Springs, Colo. (Sept. 12, 2003)
- Water Panel, Independent Bankers of Colorado, 15th Annual Agriculture Conference, Colorado Springs, Colo. (Apr. 17, 2003)
- Acquisition Development and Adjudication of Water in Colorado, IPI Seminars, Denver, Colo. (Oct. 17–18, 2001)

PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

- Arkansas Basin Round Table, Appointee Lincoln County
- Colorado Bar Association, Water Law Section, Agricultural & Rural Law Section
- Colorado Water Congress
- Colorado Water Trust, Board of Directors, Treasurer
- Denver Bar Association
- Martindale-Hubbell®, AV Preeminent® Ratings
- Super Lawyers®, 2008
- Upper Big Sandy Groundwater Management District, Board of Directors