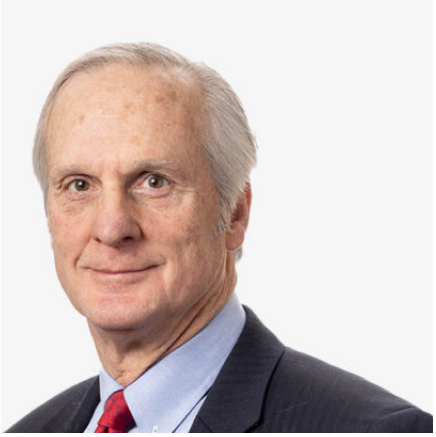


Albert P. Barker

Partner

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Boise

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Albert represents a wide range of interests in the most influential Idaho cases and projects in the areas of water law, environmental and natural resources law, mining, construction law, and commercial litigation matters before the Idaho Supreme Court, the Ninth Circuit, state and federal trial courts and administrative agencies.

He has been counsel in wide-ranging series of matters involving acquisition, transfer, and protection of water rights, rights-of-way litigation, mining claims, as well as Clean Water Act, Endangered Species Act, Superfund and other environmental litigation. He represents insureds in environmental insurance coverage matters and has extensive experience in construction and commercial projects and related litigation. Albert served as counsel in developing, constructing and operating large scale hydroelectric projects and other smaller hydroelectric PURPA projects in Idaho and elsewhere around the west.

Albert has been practicing in Idaho since 1982. He is recognized as a Band 1 lawyer in Natural Resources & Environment by Chambers & Partners. Mountain States Super Lawyers acknowledged his expertise as a Top lawyer in Energy & Natural Resources, Environmental, and Environmental Litigation. The American Lawyer, Corporate Counsel have rated him as a Top Rated Lawyer in Construction Law and a Top Rated Lawyer in Energy, Environmental and Natural Resources. Best Lawyers in America has recognized Albert in the fields of Environmental Law, Water Law, and Litigation – Environmental. He holds a preeminent “AV” rating – Judicial Edition from Martindale-Hubbell. He is a Fellow of the American Bar Foundation.

SERVICES & INDUSTRIES

Natural Resources & Endangered Species

Water Rights & Resources

Agribusiness

Clean Water & Water Quality

Mining & Metals

NEPA and Other Environmental Reviews

Public Lands

Electric Power & Utilities

EDUCATION

- J.D., Marshall-Wythe School of Law, College of William & Mary, Order of the Coif
- B.A., Yale University
- Law Clerk, Hon. Allan G. Shephard, Idaho Supreme Court 1981-1982

BAR ADMISSIONS

- Idaho Supreme Court
- State Bar of Idaho
- Virginia Supreme Court
- State Bar of Virginia
- US Supreme Court, Ninth Circuit Court of Appeals, District of Idaho and District of Colorado

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Representative Matters

- Represents irrigation districts, boards of control and water delivery entities in water rights, rights-of-way and governance issues, including relationships with the Bureau of Reclamation, Corps of Engineers, Departments of Water Resources, Departments of Environmental Quality and other resource regulatory agencies.
- Successfully represented water users in litigation with the United States to obtain judicial recognition of water user ownership of water rights in federal facilities.
- Represented hydroelectric facilities around the western United States in all matters related to permitting, construction and operation of the power plants, including licenses from the Federal Regulatory Energy Commission, permits from the Department of Water Resources and environmental regulatory agencies, and consultations with the Fish & Wildlife Services and NOAA Fisheries.
- Represented water users before the Department of Water Resources, water adjudication courts, district courts and the Idaho Supreme Court, arguing over a dozen successful appeals before the Idaho Supreme Court.
- Represented water users in water rights adjudications where the United States and Idaho's native American tribes sought recognition of federal and Indian reserved water right claims that could harm water users.
- Represented ranchers and water users in protecting easements and rights of way, including rights of way across BLM and Forest Service lands.
- Represented land owners Quiet Title Action proceedings and in land exchanges with the federal government.
- Represented hydroelectric facilities in obtaining water rights, Clean Water Act 401 certification, and ESA consultations for their projects.
- Represented company in successful suit against EPA for failure to approve site specific water quality standards under the Clean Water Act.
- Represented mining companies in CERCLA enforcement and NRD lawsuits.
- Represented mining companies in staking, obtaining, and transferring mining claims and in protecting mining claims from competing claimants in litigation.
- Represented mining companies in litigation and in disputes with contractors and engineers over development of new mines.
- Represented mining companies in obtaining access to mining properties, obtaining permits for construction and operation of mining projects and defending those permits in court.
- Represented cobalt mine in responding to allegations of unlawful point source discharges to Waters of the US.
- Represented mining companies in litigation over alleged violations of NEPA, the Endangered Species Act, the National Forest Management Act, including successful appeals before the federal district courts and the Ninth Circuit Court of Appeals

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Represented mine owners in obtaining exploration permits on federal lands and defending citizen suits.

- Represented cobalt mine to obtain access to landlocked mining properties.
- Represented mine owners in damages to mine tailing structures and claims for related to releases from pipelines and conveyances.
- Represented mining companies and other insureds for sites around the country to obtain insurance coverage for claims arising from environmental cleanups.
- Represented public land users, including grazers and grazing associations in litigation and administrative actions to protect the use of grazing allotments on federal lands.
- Represented landowners in successfully defending enforcement actions involving storm water discharges, wetlands and claims of discharges to waters of the US under Section 404 of the Clean Water Act.
- Represented contractors and owners in negotiating drafting contracts and in litigation over construction contracts for both private and public construction projects.
- Experienced in water rights, native American treaty rights, Clean Water Act, ESA, NEPA, 1866 Mining Act, FLPMA, NFMA, CERCLA, Taylor Grazing Act, Homestead and Desert Land Entry Acts

Recognition and Activities

- Recognized in The Best Lawyers in America® 2027
- Resource Board by Idaho Governors from 2013-present.
- Chambers & Partners, Band One Ranking, Natural Resources
- Mountain States Super Lawyers – Top Ranked lawyer in Energy & Natural Resources, Environmental, Environmental Litigation
- AV Preeminent Judicial Edition Rating from Martindale-Hubbell
- Best Lawyers in America recognition for Environmental Law, Water Law, and Litigation – Environmental
- Distinguished Service Award from the Idaho Water Users Association 2024
- Fellow, American Bar Foundation
- Member, Idaho Mining Association, Idaho Water Users Association
- Order of the Coif

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