



## Albert P. Barker

### Partner

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101 S. Capitol Blvd, Suite 1200, Boise, Idaho 83702

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 water rights and right-of-way litigation, 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 resulting litigation. Albert served as counsel in developing, constructing and operating the Lucky Peak and Arrowrock Hydroelectric Projects and many lowhead hydroelectric PURPA projects. He has helped permit and develop many hydroelectric projects, both in Idaho and in other states.

Albert has been practicing in Idaho since 1982 and is a founding partner of Barker Rosholt & Simpson LLP. He is recognized as a Band 1 lawyer in Natural Resources & Environment by Chambers & Partners. Mountain States Super Lawyers acknowledged his expertise in Energy & Natural Resources. 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. He holds a preeminent "AV" rating 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 other water delivery entities in their water rights, rights-of-way and governance issues, including relationships with the Bureau of Reclamation, Department of Water Resources and environmental regulatory agencies.
- Successfully represented water users in litigation with the United States to obtain judicial recognition of 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, and arguing over a dozen appeals before the Idaho Supreme Court.
- Represented water users in water rights adjudications in which the United States and Idaho's native American tribes sought recognition of federal and Indian reserved water right claims.
- Represented ranchers and water users in protecting easements and rights of way, including rights of way across federal and Forest Service lands.
- Represented hydroelectric facilities in obtaining water rights, Clean Water Act 401 certification, and ESA consultations for their projects. Also represented facilities before FERC in obtaining licenses and modifications to licenses and FERC exemptions.
- Represented Idaho company in successful suit against EPA for failure to approve site specific water quality standard under the Clean Water Act.
- Represented mining companies in defending 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 company in litigation over disputes with contractors and engineers arising from development of new mine.
- Represented mining companies in 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
- 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 dispute over collapse of mine tailing structures into the Boise River and in claims for alleged damages from spills and releases.
  - 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 enforcement actions involving storm water discharges and wetlands fill claims 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
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## Recognition and Activities

- Appointed to the Idaho Water 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 Rating from Martindale-Hubbell
- 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