

# Robert S. Lynch & Associates

## Attorneys at Law

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### ROBERT S. LYNCH

Mr. Lynch devotes most of his practice to electricity, water, and environmental law issues. He litigates and consults on issues concerning federal and state power, water, environmental and public land issues and federal and state legislation and regulations. His current focus includes issues related to federal and state electric cyber security requirements, federal and state water law and policy, and environmental issues involving, among others, the National Environmental Policy Act, the Endangered Species Act, and the Clean Water Act. He has worked on such projects as the Trans-Alaska Pipeline, Cross-Florida Barge Canal and the Central Arizona Project. He consults on issues related to Glen Canyon and Hoover Dams, federal hydropower issues and related water and water rights issues. He is currently working on several water, power and endangered species issues related to the Colorado River. He was appointed in June 1996 by the Speaker of the U.S. House of Representatives to the seven-member Federal Water Rights Task Force, a federal advisory committee, established by the Federal Agriculture Improvement and Reform Act, P.L. 104-127.

Mr. Lynch holds Bachelor of Arts (1961) and Bachelor of Laws (1964) degrees from the University of Arizona and a Master of Laws degree with a specialization in natural resources law from George Washington University (1972). His law practice includes representation of clients in the Arizona Legislature and before Congress. His practice also includes representation of clients before the Federal Energy Regulatory Commission and the Arizona Corporation Commission and in state and federal courts. His litigation experience includes matters before the U.S. Supreme Court, 9 of the 13 federal appellate courts, 3 state supreme courts and several lower courts.

Mr. Lynch serves on the Advisory Committee of the American Public Power Association and on the Board of Directors of its political action committee, PowerPAC (Chairman 2000-2007). He is a 2003 recipient of APPA's Kramer-Preston Personal Service Award. He serves on the North American Electric Reliability Corporation's Legal Advisory Committee. He also serves on the Regulatory Issues Response Team (Chair) of the National Water Resources Association. He received the President's Award (2006) and the Distinguished Service Award (2012) from the National Water Resources Association. He served as President (1991-1996) and Chairman of the Board (1996-2000) of the Central Arizona Project Association. He belongs to the Arizona, Maricopa County and Federal Bar Associations, and is a member of the District of Columbia Bar.

Mr. Lynch's publications include "Complying With NEPA: The Tortuous Path to an Adequate Environmental Impact Statement", 14 Arizona Law Review 717 (1973), and "The 1973 CEQ Guidelines: Cautious Updating of the Environmental Impact Statement Process", 11 California Western Law Review 297 (1975). He has testified before congressional and state legislative committees and in numerous federal agency hearings. He has presented papers to conferences of the American Public Power Association, the Engineering Foundation, the Federal Bar Association, the National Commission on Water Quality, the Western Systems Coordinating Council, the National Water Resources Association, and the Governor's Commission on Arizona Environment. He has also recently authored four articles, which were published in the Irrigation Leader magazine: "The Clean Water Act: Should the States Still Have a Role In It?" (October 2010); "Support Necessary for Low-Head Hydropower Development in West" (July/August 2011); "Chewing on the Chu Memo: Has the Train (with Our Wallets) Left the Station?" (September 2012); and "Show Me the Money - or Else?" (January 2013).

Mr. Lynch's litigation experience includes Davis v. Agua Sierra Resources, L.L.C., 220 Ariz. 108, 203 P. 3d 506 (2009), vacating 217 Ariz. 386, 174 P.3d 298 (2008), where Mr. Lynch successfully convinced the Arizona Supreme Court to overturn the Court of Appeals on a significant groundwater issue.

Other notable cases litigated by Mr. Lynch include:

Irrigation & Electrical Districts Association of Arizona v. Arizona Power Authority, et al., CV2012-015149 (2013)

(order granting declaratory judgment on a public records issue)

Grand Canyon Trust v. United States Bureau of Reclamation, 691 F.3d 1008 (9<sup>th</sup> Cir. 2012)  
(Endangered Species Act, National Environmental Policy Act (NEPA) – amicus curiae)

Central Arizona Water Conservation District v. Brewer, et al., LC 2010-000468 (2011)  
(order declaring sweeps of funds unconstitutional)

Chino Grande, LLC v. Kieckhefer, 2010 WL 5545387 (App. 2010)  
(right-of-way dispute)

Joseph E. Hancock and Charles B. Sherrill, Jr. v. Andy Bisnar, Kenneth Griffen and Lee Musick,  
212 Ariz. 344, 132 P.3d 283 (2006)  
Amicus Curiae; Irrigation District Elections

Hohokam Irr. and Drainage Dist. v. Arizona Public Service Co., 204 Ariz. 394, 64 P.3d 836 (2003)  
Irrigation District Authority to Provide Electricity

Catskill Mountains Chapter of Trout Unlimited, Inc., et al., v. City of New York, et al., v. State of New York, et al., 273 F.3d 481 (2d Cir., 2001)  
Amicus Curiae, Clean Water Act

Overton Power District No. 5 v. Watkins, 829 F.Supp. 1523 (D. Nev.), vacated and remanded with directions to dismiss sub nom. Overton Power District No. 5 v. O'Leary, 73 F.3d 253 (9<sup>th</sup> Cir, 1996)  
(standing to sue)

Papago Tribal Utility Authority v. F.E.R.C., 723 F.2d 950 (D.C. Cir., 1983)  
Federal Power Rates

Town of Chino Valley v. City of Prescott (Chino Valley II), 131 Ariz. 78, 638 P.2d 1324 (1981)  
Arizona 1980 Groundwater Act

Colorado River Energy Distributors Ass'n v. Lewis, 516 F.Supp. 926 (1981)  
Electric Power Rates

Papago Tribal Utility Authority v. Federal Energy Regulatory Commission, 610 F.2d 914  
(D.C. Cir., 1979)  
Federal Power Rates

Arizona Power Authority v. Morton, 549 F.2d 1231 (9th Cir., 1977)  
Federal Power Allocation

Baciarelli v. Morton, 481 F.2d 610 (9th Cir., 1973)  
Indian Tribal Membership

U.S. v. 201.19 Acres of Land, More or Less, In Grays Harbor County (Simpson Timber),  
478 F.2d 1042 (9th Cir., 1973)  
Eminent Domain

Day v. Hickel, 481 F.2d 473 (9th Cir., 1973)  
Federal Land Patent

Wilderness Soc. v. Morton, 463 F.2d 1261 (D.C. Cir., 1972)  
Trans Alaska Pipeline, Permissive Intervention

Cherokee Nation v. State of Okl., 461 F.2d 674 (10th Cir., 1972)  
Navigable Riverbed Ownership, Treaty Power

U.S. v. Schwarz, 460 F.2d 1365 (7th Cir., 1972)  
Indian Allotments

U.S. v. Gila Val. Irr. Dist., 454 F.2d 219 (9th Cir., 1972)  
Federal Reserved (Winters Doctrine) Water Rights

Arlington Coalition on Transportation v. Volpe, 458 F.2d 1323 (4th Cir., 1972)  
National Environmental Policy Act

City of New Town, N. D. v. U.S., 454 F.2d 121 (8th Cir., 1972)  
Indian Reservation Boundary

State v. Tinno, 94 Idaho 759, 497 P.2d 1386 (1972)  
Indian Treaty Fishing Rights, Amicus Curiae

Zabel v. Tabb, Cert. Denied 401 U.S. 910, 91 S.Ct. 873 (Mem) (1971)  
Dredge and Fill Permit

U.S. v. 687.30 Acres of Land, More or Less, in Dakota and Thurston Counties, Nebraska  
(Winnebago Tribe), 451 F.2d 667 (8th Cir., 1971)  
Eminent Domain

Buch v. Morton, 449 F.2d 600, (9th Cir., 1971)  
Mining Claim Location

U.S. v. Delta Development Co., 447 F.2d 989 (5th Cir., 1971)  
Federal Oil and Gas Rights

Barrows v. Hickel, 447 F.2d 80 (9th Cir., 1971)  
Sand and Gravel Mining Claims

U.S. v. 22,680 Acres of Land in Kleberg County, Tex., 438 F.2d 75 (5th Cir., 1971)  
Eminent Domain

U.S. v. Reynolds, 396 U.S. 814, 90 S.Ct. 54 (Mem) (1969), 397 U.S. 14, 90 S.Ct. 803 (1970)  
Eminent Domain

Tate v. Hickel, 396 U.S. 815, 90 S.Ct. 91 (Mem) (1969), decision sub. nom. Tooahnippah v. Hickel, 397 U.S. 598, 90 S.Ct. 1316 (1970)  
Indian Probate

Sierra Club v. Laird, (9th Cir., 1970)  
First NEPA case, Settled after briefing

Armstrong v. Udall, 435 F.2d 38 (9th Cir., 1970)  
Mining Claims

U.S. v. Desert Gold Min. Co., 433 F.2d 713 (9th Cir., 1970)  
Mining Patents

Lutzenhiser v. Udall, 432 F.2d 328 (9th Cir., 1970)  
Public Lands, Mining Claims

Lewis v. Hickel, 427 F.2d 673 (9th Cir., 1970)  
Land Exchange, Taylor Grazing Act

U.S. v. 10.69 Acres of Land, More or Less, in Yakima County, Washington, 425 F.2d 317  
(9th Cir., 1970)  
Eminent Domain

Citizens Committee for Hudson Valley v. Volpe, 425 F.2d 97 (2d Cir., 1970)  
Dredge and Fill Permit

U.S. v. Bishop Processing Company, 423 F.2d 469 (4th Cir., 1970)  
1st Clean Air Act Case

Canal Authority v. Miller, 243 So.2d 131 (S. Ct. Fla., 1970)  
Eminent Domain - Cross Florida Barge Canal

Porter v. Resor, 415 F.2d 764 (10th Cir., 1969)  
Grazing Rights

U.S. v. Hilliard, 412 F.2d 174 (8th Cir., 1969)

Eminent Domain

Tagala v. Gorsuch, 411 F.2d 589 (9th Cir., 1969)

Homestead

US. v. 55.22 Acres of Land in Yakima County, Wash. (Fox), 411 F.2d 432 (9th Cir., 1969)

Eminent Domain

Couch v. Udall, 404 F.2d 97 (1968)

Indian Allotments

Jones v. Freeman, 400 F.2d 383 (8th Cir., 1968)

Trespass on Public Land

Lechuga v. U.S., 395 F.2d 195 (5th Cir., 1968)

Eminent Domain