



Ryan A. Smith

Shareholder

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Washington, DC

As chair of the firm's National Resources Department and American Indian Law and Policy Group, Ryan Smith focuses on western natural resources issues and represents water districts, tribes and private entities throughout the country before Congress, the administration and the courts. Before joining Brownstein, Ryan served as a senior legislative advisor to former Senator Minority Whip Jon Kyl (R-AZ) and deputy counsel for the Arizona Department of Water Resources. In government and in private practice, Ryan has been instrumental in the development of federal legislation relating to western natural resources, successfully ushering through Congress several significant pieces of legislation concerning Indian water settlements that provide vital water-related infrastructure projects, the Colorado River, water management and federal funding for Indian country.

As a former senior legislative staffer, he has extensive experience dealing with Congress, the Department of the Interior, the Bureau of Indian Affairs, the Bureau of Reclamation and the Department of Agriculture on legislative and other federal issues.

His career experience also includes commercial litigation and serving as a legal intern for Senator John McCain (R-AZ).

Ryan is a frequent author and speaker on Indian water law and legislation.

Previous Experience

Senior Legislative Advisor, U.S. Senate Minority Whip Jon Kyl (R-AZ)

Deputy Counsel, Arizona Department of Water Resources

Counsel, Arizona Water Banking Authority

Associate, Robbins & Green, P.A. (now part of Jennings Strouss & Salmon), Phoenix

Practices

Endangered Species, Energy, Environment & Resource Strategies, Government Relations, American Indian Law & Policy, NEPA/CEQA, Water

Water Law

West of the Beltway, Ryan represented the State of Arizona in connection with Indian water settlements and surface and groundwater management, and advised the director of the Arizona Department of Water Resources during negotiations with other Colorado River Basin states concerning the Colorado River's operating criteria as well as the United States' Colorado River treaty obligation with Mexico. He also served as counsel to the Arizona Water Banking Authority, which is responsible for storing Arizona's unused Colorado River apportionment. In addition, Ryan served as a legislative advisor to Senator Jon Kyl (R-AZ) on water and tribal issues. While at Brownstein, Ryan has continued to focus on western water issues.

Indian & Water Legislation

Throughout his career, Ryan has helped develop successful legislation relating to water rights, tribal rights and the environment. While in the Senate, he played a major role in ushering through a number of Indian water

settlements totaling nearly \$1 billion, including the White Mountain Apache Tribe Water Rights Quantification Act, and a \$3.4 billion settlement of financial mismanagement claims brought by American Indians against the United States Department of the Interior. The White Mountain Apache settlement, which was Ryan's primary responsibility, authorizes \$292 million in federal funding for the White Mountain Apache Tribe in consideration for the tribe waiving its water rights claims against the United States.

Ryan's work on the Arizona Water Rights Settlements Act resulted in an amendment to the Act to ensure that the underlying legislation, which authorized the largest Indian water settlement in United States history, became effective.

He was also instrumental in obtaining the authorization of approximately \$313 million in federal funding to cover the federal government's share of the cost of a comprehensive, cooperative effort among 50 federal and non-federal entities in Arizona, California, and Nevada to protect and maintain wildlife habitat along the Colorado River. This legislation, The Lower Colorado River Multi-species Program Act, also provides assurances to the affected water and power agencies of the three states that their vital river operations may continue as long as they comply with the applicable conservation program.

Representative Matters

- Successfully represented the Blackfeet Nation in the Blackfeet Water Rights Settlement Act, which Congress authorized in 2016. The Act ratifies the Tribe's water compact and authorized over \$420M in federal funding for the Tribe's water-related infrastructure projects.
- On behalf of a coalition of Colorado water districts, was successful in securing passage of federal legislation that secured federal funding for the Upper Colorado and San Juan Fish recovery programs (P.L. 112-270).
- Represented the Navajo Nation in federal legislation to authorize the Navajo Nation's water settlement with the U.S. and Utah.
- Successfully represented an Indian tribe in securing federal legislation that would authorize the completion of its several hundreds of millions of dollars federal water supply project.
- Represent gaming entities in tribal-gaming related matters.
- Counsel to a non-profit organization representing consumer-owned electric systems that purchase federal hydropower and resources before Congress and the Administration.
- Counsel to an American Indian Tribe in legislation placing land into trust for the Tribe that was wrongfully terminated.
- Successfully represented a non-profit entity in endangered species litigation.
- Counsel to the an American Indian Tribe on matters relating to tribal gaming, lands into trust and tribal sovereignty.
- Successfully represented oil & gas association in federal district court matter related to the Endangered Species Act, resulting in dismissal of underlying action.
- Represent largest agricultural water district in the United States in connection with a dispute regarding the Department of the Interior's management of the district's water supply.
- Organized and led coalition of third parties to successfully block a federal decision that would have negatively impacted tribal client's business interests.
- Advocated for policy changes and funding related to water efficiency, water reuse, water supply, and groundwater management on behalf of a water agency serving nearly 4 million people.

Publications & Presentations

- Practical Tips for Indian Water Settlements, Speaker, Tribal Water in the Southwest, Law Seminars International, Laveen, AZ, March 8, 2019

- Shawnee Tribe Receives Go-ahead for Oklahoma Gaming Facility, Co-author, *Casino Journal*, May 1, 2018
- The Ethics of Lobbying, Presenter, American Bar Association's 35th Water Law Conference, March 29, 2017
- Possible Impacts of Trump Administration on Tribal Recognition, Co-author, *Law360*, February 2, 2017
- How Will the Trump Administration Address Acquiring Off-Reservation Land for Gaming?, Co-Author, *Indianz.com*, January 23, 2017
- Bishop Criteria: The Future Of Indian Water Settlements, Author, *Law360*, January 10, 2017
- The Bishop Letter and What it Means, Speaker, Tribal Water Law, CLE International, Las Vegas, NV, September 29, 2016
- Water Supply and Quality Challenges Facing Arizona Tribes - The Federal Laws and Policies that Gave Rise to These Conditions, Speaker, Arizona Water Law Conference, Scottsdale, AZ, August 11-12, 2016
- Moving Bills Through Congress, Speaker, Tribal Water Law, CLE International, San Diego, CA, October 23, 2015
- Tribal Water Leasing, Speaker, 23rd Annual Arizona Water Law Conference, CLE International, Scottsdale, AZ, August 21, 2015

Education

- J.D., 1998, Arizona State University Sandra Day O'Connor College of Law
- B.A., 1995, *magna cum laude*, Arizona State University

Admissions

- District of Columbia
- Arizona
- U.S. District Court, District of Arizona
- U.S. Supreme Court
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, District of Columbia