



D. I object to the following elements or general provisions as recommended in the Director's Report. (Please check the appropriate box(es)).

1.  **Name and Address**  
Should be: \_\_\_\_\_
2.  **Source**  
Should be: See below. \_\_\_\_\_
3.  **Quantity**  
Should be: See below \_\_\_\_\_
4.  **Priority Date**  
Should be: See below. \_\_\_\_\_
5.  **Point of Diversion**  
Should be: See below \_\_\_\_\_
6.  **Instream Flow Beginning and Ending Point**  
Should be: See below. \_\_\_\_\_
7.  **Purpose(s) of Use**  
Should be: See below. \_\_\_\_\_
8.  **Period of Year**  
Should be: See below. \_\_\_\_\_
9.  **Place of Use**  
Should be: See below \_\_\_\_\_
10.  **General Provision**     Individual Water Right     All Water Rights  
 Should not be recommended.  
  
 This general provision was not recommended but should be recommended as described below.  
Should be: \_\_\_\_\_  
  
 General provision was recommended but should be modified as described below.  
Should be: \_\_\_\_\_

11.  **I object** because the recommendation contains an accomplished transfer under Idaho Code § 42-1425 resulting in injury to my water right(s) and/or enlargement of the original right.
12.  **I object because:**
- This water right should not exist.
  - This water right was not recommended, but should be recommended with the elements described above.

**E. REASONS SUPPORTING OBJECTION(S):**

The claim fails to establish that, at the time of the reservation, the claimed water right was necessary to accomplish the purpose for which the Reservation was created. The instream claim is located outside of the Kalispel Tribe's ("Tribe") reservation. Although ownership of the land is not required for ownership of a water right, the Idaho Supreme Court affirmed that off-reservation instream flow water rights are not appurtenant to on reservation use when all rights off-reservation are ceded.

The Tribe no longer holds title to its aboriginal lands, including lands within the CFRBA. The Indian Claims Commission ("ICC") affirmed that the Tribe had aboriginal land within Idaho, the United States took the land without just compensation, and the Tribe should be compensated for the taking. Thereafter, the United States compensated the Tribe for taking the Tribe's aboriginal lands. The ICC's award of compensation established that all aboriginal title to the land had been extinguished, as an award of compensation for the taking of aboriginal lands conclusively determines that such title has been extinguished.

Further, the claim for Idaho water to "fulfill the permanent homeland purpose of the Kalispel Indian Reservation" is jurisdictionally prohibited. The CFRBA is authorized by Idaho Code § 42-1406B as a comprehensive adjudication of all competing rights arising under state or federal law to

the use of surface and ground waters from the Clark Fork-Pend Oreille River Basins water system within the State of Idaho. The CFPRBA Court does not have subject matter jurisdiction over the Tribe's federal claims because the Tribe asserts that the claims are to support its reservation, located outside the State of Idaho. The CFPRBA is limited to water use within Idaho's boundaries.

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(Signature of person filing objection)

*Randy Keller*

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(Attorney signing in representative capacity)

**INSTRUCTIONS FOR MAILING**

You must mail the Objection to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

**F. CERTIFICATE OF MAILING**

I certify that on June 16<sup>th</sup>, 2026, I mailed the original and copies of this objection, including all attachments, to the following persons:

- 13. Original to: Clerk of the District Court  
Clark Fork Pend Oreille River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

- 14. One copy to the claimant of the water right at the following address:

Name: United States of America, as trustee on behalf of the Kalispel Tribe acting through the Regional Director, Northwest Region.

Dept. of Interior Bureau of Indian Affairs

Address: 911 N.E. 11th Ave.

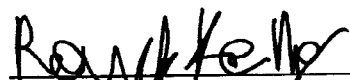
Portland, OR 97232

- 15. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment & Nat'l Resources Div  
P.O. Box 7611  
Ben Franklin Station  
Washington, D.C. 20044-7611

Chief, Natural Resources Division  
Office of Attorney General  
State of Idaho  
PO Box 83720  
Boise, ID 83720-0010

  
\_\_\_\_\_  
Signature of Objector or attorney  
mailing on Objector's behalf