

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED
MAY 16 2025
DEPARTMENT OF
WATER RESOURCES

Subcase 97-2020

In Re CFPRBA)

Case No. 69576)
)
)
)
)
_____)

STANDARD FORM 1 OBJECTION

B. NAME AND ADDRESS OF PERSON OBJECTING

KALISPEL TRIBE OF INDIANS, P.O. Box 39, Usk, WA 99180

Name & Address of Attorney:

Claire R. Newman
Kanji & Katzen, P.L.L.C.
811 1st Ave., Suite 640
Seattle, WA 98104
Telephone: (206) 344-8100
Email: cnewman@kanjikatzen.com

Dylan Hedden-Nicely, Esq.
1075 Saddle Ridge Rd.
Moscow, ID 83843
(208) 863-0341
Email: dylan@hedden-nicely.com

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

STATE OF IDAHO, OFFICE OF THE GOVERNOR

Name & Address of Attorney:

Chief, Natural Resources Division
Idaho Attorney General's Office
700 W. Jefferson St., Rm. 210
Boise, ID 83706

SCANNED
MAY 16 2025

D. The Kalispel Tribe of Indians objects to the following elements or general provision as recommended in the Director's Report.

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☒ **Quantity**

Should be: Consistent with Water License No. 16642 and all other applicable law.

4. ☐ **Priority Date**

Should be: _____

5. ☒ **Point of Diversion**

Should be: As claimed. _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☒ **Purpose(s) of Use**

Should be: Consistent with Water License No. 16642 and all other applicable law.

8. ☒ **Period of Year**

Should be: Consistent with Water License No. 16642 and all other applicable law.

9. ☐ **Place of Use**

Should be: _____

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 § 421425 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 OBJECTIONS:

The Kalispel Tribe of Indians objects to this recommendation to the extent that it recommends water right 97-2020 be decreed in a manner that is inconsistent with License No. 16642 pursuant to Idaho Code § 42-220 or is inconsistent with any other applicable law.

In addition, the Kalispel Tribe of Indians does not authorize a waiver of sovereign immunity beyond the limited purpose of this Objection to Claim No. 97-2020 or for any other purpose including but not limited to, the imposition of any fees or judgment for costs or award of attorney fees. This limited waiver of sovereign immunity does not extend to any other claim, objection, or response in this adjudication or any other case. The Tribe reserves all rights of sovereign immunity not expressly waived herein to the full extent of the law.

/s/ Claire R. Newman
Claire R. Newman

CERTIFICATE OF MAILING

I certify that on May 12, 2025, original and copies of this objection, including all attachments, were personally served on:

1. 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
2. One copy to the attorney for the claimant of the water right at the following address:

Chief, Natural Resources Division
Idaho Attorney General's Office
700 W. Jefferson St., Rm. 210
PO Box 83720
Boise, ID 83706

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 8372-0098

United States Department of Justice
Environment & Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724

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

/s/ Claire R. Newman
Claire R. Newman