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DEPT. OF WATER RESOURCES

DISTRICT COURT - CFPRBA Fifth Judicial District County of Twin Falls-State of Idaho JUN 24 2026 By _____ 
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Counsel for the United States of America

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

In Re: CFPRBA)

Case No. 69576)

Subcase Nos: 96-17090, *et al.*
See Attachment A

United States' Motion to Participate in Specified CFPRBA Subcases

On January 15, 2025, the United States of America, as Trustee on Behalf of the Kalispel Tribe of Indians of the Kalispel Indian Reservation Acting Through the Northwest Regional Director, filed forty-five water right claims within the CFPRBA. *See Attach. A, Column 1.* On January 16, 2025, the Kalispel Tribe of Indians, Acting Through the Kalispel Business, filed three water right claims within the CFPRBA. *See Attach. A, Column 2.* All forty-eight of these claims were included in the Idaho Department of Water Resources' Notice of Filing of Director's Report of Federal Reserved Water Right Claims in Basins 96 and 97 of the CFPRBA.

SCANNED

JUN 30 2026

Pursuant to the CFPRBA Administrative Order 1, Section 11(i),¹ and Idaho Rules of Civil Procedure 7 and 24, the United States of America, on behalf of the U.S. Department of Defense, Army Corps of Engineers ("USACE"), hereby files this motion to participate in the forty-eight subcases involving the water rights claimed and listed in Attachment A, expressly for the purpose of reserving the right to take part in negotiations and/or litigation concerning such claims to the extent the water rights to be decreed may interact with the interests of USACE. The United States represents many different interests in the western water adjudications. Here, U.S. Department of Justice attorneys in the Tribal Resources Section of the Environment and Natural Resources Division filed the forty-five claims on behalf of the Kalispel Tribe of Indians. However, USACE is represented in the CFPRBA adjudication by U.S. Department of Justice attorneys in the Natural Resources Section of the Environment and Natural Resources Division. Participation by USACE and its counsel in these CFPRBA subcases is necessary to ensure that the interests of USACE are represented and considered in any final decrees issued. This motion to participate is timely and will not prejudice other parties in these subcases because, procedurally, the motion is being filed before applicable deadlines for objections and responses have even occurred.

Pursuant to Idaho Rule of Civil Procedure 7(b)(3)(D), the United States notes that it does not intend to file any further brief or memorandum in support of this motion.

* * *

¹ "Any Party to the Adjudication who is not a Party to a Subcase may seek leave to participate in a Subcase by filing a timely *Motion to Participate*." CFPRBA AO1 § 11(i). USACE is a party to the CFPRBA adjudication. See Subcases Nos. 96-04534, 96-08382, 97-04222, 97-04223, 97-04224, 97-07272.

Dated: June 24, 2026

Respectfully submitted,

Adam R.F. Gustafson
Principal Deputy Assistant Attorney General
Environment & Natural Resources Division

/s/ Michelle Nkeng
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COUNSEL FOR THE UNITED STATES OF AMERICA,
U.S. Department of Defense, Army Corps of Engineers

ATTACHMENT A

Column A	Column B
96-17090	96-17110
96-17091	96-17111
96-17092	96-17112
96-17093	
96-17094	
96-17095	
96-17096	
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CERTIFICATE OF SERVICE

I certify that on June 24, 2026, I served true and correct copies of the foregoing documents as follows:

via Fax:

Clerk of the District Court
Clark Fork-Pend Oreille River Basin Adjudication
252 Third Avenue North
Twin Falls, ID 83303-2707

via First Class U.S. Mail, pre-paid:

United States of America, as Trustee on Behalf of the Kalispel Tribe of Indians of the Kalispel Indian Reservation Acting Through the Northwest Regional Director
Department of the Interior
Bureau of Indian Affairs
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Kalispel Tribe of Indians, Acting Through the Kalispel Business Committee
Glen Nenema, Chairman
Kalispel Tribe of Indians
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Matthew Lamb