

**Summary**  
**KLG Representation of Three Groups of**  
**Montana Farmers & Ranchers**

***Keenan v. Bay, Civil Action No. 1:15-cv-01440***

- 9/3/15 - Filed an Emergency Action for Temporary Restraining Order (TRO) and Preliminary Injunction (PI) in the U.S. Federal District Court for the District of Columbia, partially on [national security](#) grounds, in an effort to temporarily suspend the illegal conveyance of Kerr Dam to the CSKT
- [Complaint](#)- Keenan v. Bay, Civil Action No. 1:15-cv-01440
- [Motion for TRO/PI](#)
- [Memorandum in Support of Motion for TRO/PI](#)
- [Proposed Order](#)
- Exhibits 1-68 of Evidence Supporting Complaint:
  - [Exhibit 1](#) (FERC 1985 Agreement 7-17-85)
  - [Exhibit 2](#) (FERC ALJ Order - 4-16-85)
  - [Exhibit 3](#) (DOI 59 FR 28737 - Nov. '94)
  - [Exhibit 4](#) (DOI 60 FR 2598 - Feb. '95)
  - [Exhibit 5](#) (FERC Order Amending 1985 Agmt - 1997)
  - [Exhibit 6](#) (FERC Order Amending 1985 Agmt - 1998)
  - [Exhibit 7](#) (FERC Order Amending 1985 Agmt - 2000)
  - [Exhibit 8](#) (DOI-BIA EIS Drought Mgmt Plan - 2002)
  - [Exhibit 9](#) (DOI-BIA Draft EIS Drought MP - 2005)
  - [Exhibit 10](#) (DOI -BIA Final EIS Drought MP - 2010)
  - [Exhibit 11](#) (FBJC v DOI-BIA, dismissed 2015)
  - [Exhibit 12](#) (AAA Final Award - Kerr Dam Price (2014)
  - [Exhibit 13](#) (DOI Solicitor Gen'l Notice of Intervene(2014)
  - [Exhibit 14](#) (CSKT Notice of Conveyance (2014)
  - [Exhibit 15](#) (CSKT Apply Partial License Transfer 4-14-15)
  - [Exhibit 16](#) (Jackson Files Motion to Intervene 5-30-14)
  - [Exhibit 17](#) (Jackson Cov Ltr w/Motion to Intervene 5-30-14)
  - [Exhibit 18](#) (FERC Order Grants Jackson Intervene 9-19-14)
  - [Exhibit 19](#) (FERC OrdApprovPPLMT-NWLicTra 7-24-14)
  - [Exhibit 20](#) (Jackson Request for Rehearing 8-22-14)
  - [Exhibit 21](#) (FERC Ord.Dismisses Rehearing Req. 9-19-14)
  - [Exhibit 22](#) (Jackson Req. Reclarify of Dismissal 9-24-14)
  - [Exhibit 23](#) (FERC Responseto Jackson Reclarify 10-29-14)
  - [Exhibit 24](#) (FERCOrd.CSKT-EKIExemptPubUtil 12-8-14)
  - [Exhibit 25](#) (MRWRCC SignsCSKTWaterCompact 1-12-15)
  - [Exhibit 26](#) (NWestern Instruments of Conveyance 1-13-15)
  - [Exhibit 27](#) (CSKT-NW Apply Partial Lic.Transfer 4-14-15)
  - [Exhibit 28](#) (Keenan-Jackson Intervene-PartialLic. 5-26-15)
  - [Exhibit 29](#) (CSKT-EKI Response to Intervenors 6-9-15)
  - [Exhibit 30](#) (CSKT Water Claims Filed - If NO Compact)

- [Exhibit 31](#) (CSKT Water Claims Filed - If YES Compact)
  - [Exhibit 32](#) (FERC Approv. NW Drought Mgt Plan 7-1-15)
  - [Exhibit 33](#) (Keenan-JacksonResponse-CSKT-EKI 7-15-15)
  - [Exhibit 34](#) (Pointer Kerr Proj.No.5 - FERC Interv 11-3-98)
  - [Exhibit 35](#) (Pointer Kerr Proj.No.5 -FERCPhone 12-21-98)
  - [Exhibit 36](#) (Pointer Kerr Proj.No.5 -FERC Interv 2-19-99)
  - [Exhibit 37](#) (Pointer Kerr Proj.No.5 -FERC Phone 06-05)
  - [Exhibit 38](#) (Pointer Kerr Proj.No.5 -Conveyance 8-24-15)
  - [Exhibit 39](#) (FERCOrderApprovPartial Lic Transfer 9-1-15)
  - [Exhibit 40](#) (CSKTFlathead Dams-ReservoirsOwned-8/12)
  - [Exhibit 41](#) (Turkey Outreach Efforts to Tribes 2008-2015)
  - [Exhibit 42](#) (Congressman Cole Testimony - H.R. 2362)
  - [Exhibit 43](#) (TAC Pres. McCurdy Testimony - H.R. 2362)
  - [Exhibit 44](#) (Turkey - Media Articles of Interest 2012-2015)
  - [Exhibit 45](#) (IndianReservationsChosenbyTurkeyBusiness)
  - [Exhibit 46](#) (DOD-Rel. Uranium Mines Locator Rpt 2014)
  - [Exhibit 47](#) (DOD-Rel. Uranium Mines Rpt to Cong 2014)
  - [Exhibit 48](#) (Los Alamos Labs Rpt - Uranium Flathead)
  - [Exhibit 49](#) (Dry Fork Creek Ref. No. 304748)
  - [Exhibit 50](#) (Dry Fork Creek Ref. No. 304747)
  - [Exhibit 51](#) (Kalispell West (25 miles) Ref. No. 304712)
  - [Exhibit 52](#) (Kalispell West (25 miles) Ref. No. 304712-a)
  - [Exhibit 53](#) (Kalispell West (25 miles) Approx. Ref. - A)
  - [Exhibit 54](#) (Kalispell West (25 miles) Approx. Ref. - B)
  - [Exhibit 55](#) (Kalispell West (25 miles) Approx. Ref. - C)
  - [Exhibit 56](#) (Flathead Lake W.(9-12 miles) Ref. No. 303394)
  - [Exhibit 57](#) (Flathead Lake W.(9-12 miles) Ref. No. 303396)
  - [Exhibit 58](#) (Flathead Lake W.(9-12 miles) Ref. No. 303398)
  - [Exhibit 59](#) (Flathead Lake W.(9-12 miles) Ref. No. 303387)
  - [Exhibit 60](#) (Smith Lake North (6 miles) Ref. No. 303365)
  - [Exhibit 61](#) (Flathead Lake East Ref. No. 303502)
  - [Exhibit 62](#) (Flathead Lake East Ref. No. 303506)
  - [Exhibit 63](#) (Flathead Lake East Ref. No. 303509)
  - [Exhibit 64](#) (USGS Water Res. Rpt Jefferson Cty, MT 2007)
  - [Exhibit 65](#) (MBM Abandoned FlatheadForestMines 2002)
  - [Exhibit 66](#) (DOI-BIAMemo-IndianRacialPreference 1973)
  - [Exhibit 67](#) (GAO Rpt-Indian Irrig.Proj.Def. M&O\$ 2006)
  - [Exhibit 68](#) (GAO Testimony Re GAO 2006 Report 2015)
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- [Court Order Denying TRO Motion](#) (9/4/15, 9:00 pm)
  - [DOJ Motion for 7-day Time Extension to Oppose PI](#) (9/8/15)
  - [DOJ Correction of Motion for 7-Day Time Extension](#) (9/9/15)
  - [Plaintiffs' Consent to & Correction of DOJ Motion](#) (9/12/15)
  - [Plaintiffs' Vol. Withdrawal of Suit Without Prejudice](#) (10/13/15)

CSKT Annual Reports and Quarterly Newsletters Revealing Tribes' Uranium Mill Tailings Cleanup Expertise, Contracting for the Saudi Arabia Military and Embrace of Turkish 'Investment' on Reservation Lands Outreach Activities:

- [CSKT 2009 Annual Report](#), p. 27
- [CSKT 2010 Annual Report](#), pp., 2, 8
- [CSKT 2011 Annual Report](#), p. 31
- [CSKT 2012 Annual Report](#), p. 32
- [CSKT 2013 Annual Report](#), p. 33
- [CSKT Group Spirit 01-2011](#), p. 1
- [CSKT Group Spirit 03-2013](#), p. 11
- [CSKT Group Spirit 01-2014](#), pp. 3, 7, 9
- [CSKT Group Spirit 03-2014](#), p. 2
- [CSKT Group Spirit 02-2015](#), p. 8
- [CSKT Group Spirit 03-2015](#), p. 3, 6-7

New and Relevant Information:

- CSKT [Group Spirit 04-2015](#), pp. 1, 3 (Savannah Nuclear Site Contract)
- Turkey and the Bomb ([The National Interest](#))
- [Electric Lines MT to Idaho Falls, ID](#) (Idaho Nat'l Laboratory - Nuclear Enrichment & Reprocessing)
- "[Highly Questionable Turkey, Open Border & Greater Tribal Sovereignty Policies Together Undermine U.S. National Security](#)," a Working Paper, available on SSRN website (Dec. 15, 2015)
- "[Opinion: More Questions About Turkey's Role in Tribal Issues](#)," Montana Daily Inter Lake (Dec. 20, 2015)
- "[Setting the Record Straight About Our Kerr Dam Lawsuit and Turkey](#)," Western Ag Reporter (Dec. 24, 2015)
- [London Book Review of "Military to Military," by Seymour Hirsch](#)

## **Flathead Reservation Non-Tribal Farmers/Ranchers FERC Intervention**

Legal counsel and representative to generations-old farmers holding fee patented lands, consumptive water rights on the Flathead Indian Reservation ("FIR"), and non-consumptive rights to use the state-owned waters of the Flathead Lake and Flathead River, at U.S. Federal Energy Regulatory Commission administrative proceedings.

- 10/21/15 - [Filed Motion to Intervene Out-of-Time](#) with FERC
- 11/5/15 - [Filed 1st Supplement to Motion to Intervene](#)
- [Exhibit 1](#) (DC Bar Rules of Professional Conduct)
- [Exhibit 2](#) (Ltr. to DC Counsel re FJBC Intimidation Calls)

- [Exhibit 3](#) (Ltr. to MT Counsel re Redacted Email & Mtg)
- [Exhibit 4](#) (First Offer of Withdrawal of Motion)
- [Exhibit 5](#) (Second Offer of Withdrawal of Motion)
  
- 11/6/15 - FJBC Files [Answer Opposing Motion to Intervene](#)
- 11/10/15 - Filed [2nd Supplement to Motion to Intervene](#)
  - [Exhibit 1](#) (FJBC public website showing no info.)
  - [Exhibit 2](#) (FJBC contract representing Districts 2014)
  - [Exhibit 3](#) (MCA -Irrig. Districts are Public Benefit Corps)
  - [Exhibit 4](#) (MCA -Formation & Responsibilities of FJBC)
  - [Exhibit 5](#) (MCA -Ethics-Conflict-of-Interest-Public Input)
  - [Exhibit 6](#) (FJBC Public Hearing Petition to FERC 5-2015)
  - [Exhibit 7](#) (DC Counsel Notice of Opposition to Motion)
  - [Exhibit 8](#) (MCA -Fed'l & Indian Reserved Water Rights)
  - [Exhibit 9](#) (Dr Kate Presents to MT Legis. WPIC CCTWG)
  - [Exhibit 10](#) (EKI Transmit Agmt w/Mission Valley Power)
  - [Exhibit 11](#) (DOI SolGen'l Ltr re CSKT-MVP '638 Contract)
  - [Exhibit 12](#) (MVP GM Notes - Reservation Energy Mix)
  
- 11/13/15 FJBC Files Motion for [Answer to 2nd Supplement](#)
- 11/13/15 [FERC Chief Admin Law Judge Order Denying Motion](#)
- 11/30/15 [Motion to Permit Appeal to Commission of ALJ Order](#)
  - [Attachment 1](#) (Jensen testimony 1985)
  - [Attachment 2](#) (Willman affidavit 2015)
  - [Attachment 3](#) (Brockway affidavit 2015)
  - [Attachment 4](#) (Erb affidavit 2015)
  - [Attachment 5](#) (Vallejo affidavit 2015)
  
- 12/2/15 [FERC Order Denying Appeal of Denial of Intervention](#) (same Judge)
- Specially prepared [legal memorandum](#) discussing the value of the “low cost block of power” (“LCB”) and corresponding irrigator non-consumptive water rights, as well as, the right to the United States to remain the exclusive provider of electricity on the Flathead Indian Reservation, and the terms and conditions of such electricity delivery to reservation irrigator and non-irrigator households, schools, religious institutions, municipalities and businesses.

**Western States Constitutional Rights, LLC**  
**Congressional Liaison**

- Prepared Memorandum of Law, [Legal Analysis of S.3013 – The Salish and Kootenai Water Rights Settlement Act of 2016 and Related Congressional Tribal Forest Management Legislation](#)

• Prepared Transmittal Correspondences to Montana's Congressional Delegation and to relevant U.S. House and Senate Committee and Subcommittee Chairs Summarizing the Legal Memorandum:

- [Sen. Jon Tester, MT](#) (author/sponsor of S.3013)
  - [Sen. Steve Daines, MT](#) (author/sponsor of S.3014)
  - [Rep. Ryan Zinke, MT](#)
  - [Rep. Rob Bishop, UT & Chair, House Natural Resources Committee](#)
  - [Rep. Don Young, AL & Chair, House Subcommittee on Indian and Alaska Native Affairs](#)
  - [Rep. John Fleming, LA & Chair, House Subcommittee on Water, Power and Oceans](#)
  - [Rep. Mike Conaway, TX, & Chair, House Committee on Agriculture](#)
  - [Rep. Glenn Thompson, PA & Chair, House Subcommittee on Conservation and Forestry](#)
  - [Rep. Bruce Westerman, AR \(author/sponsor of H.R. 2647\)](#)
  - [Sen. Lisa Murkowski, AL & Chair, Senate Committee on Energy & Natural Resources](#)
  - [Sen. John Barrasso, WY & Chair, Senate Subcommittee on Public Lands, Forests, and Mining](#)
  - [Sen. Mike Lee, UT & Chair, Senate Subcommittee on Water and Power](#)
  - [Sen. Pat Roberts, KS & Chair, Senate Committee on Agriculture, Nutrition & Forestry \(author/sponsor of S.3085\)](#)
  - [Sen. David Perdue, GA & Chair, Senate Subcommittee on Conservation, Forestry and Natural Resources](#)
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- [Summary of the Above-referenced Documents](#)
  - [Press Release Announcement](#)
  - [Energy Bill's Hidden Provisions Undermine Western and Rural U.S. Property Owners](#)
  - [Letter to U.S. Senator Steve Daines \(MT-R\)](#) concerning the serious reservations of Western States Constitutional Rights, LLC about the Senator's effort to revised tribal forest management provisions of S.2012 now before a House-Senate conference committee. (9-23-16)
  - [USFS Policies & Guidelines](#) Promoting Protection of Indian Treaty and Reserved Rights (10-12-16)
  - [DOI Policies & Guidelines Protecting Tribal Reserved Treaty & Aboriginal/Ancestral Water & Land Rights](#)
  - [Sample USFS-BLM-Tribal MOU Implementing Rangeland Restoration and Fuels Reduction](#)
  - [Tribal Forest Management and Biomass Provisions Hidden Within Senate Energy Bill S.2012](#)
  - [Total Summary of the Above](#)
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- ["Sovereign" Tribal Indian Reservations Along U.S.-Canada Border Endanger National Security](#)