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WC-0001-C-2021

April 3, 2024

Montana Water Court

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IN THE WATER COURT OF THE STATE OF MONTANA  
CONFEDERATED SALISH & KOOTENAI TRIBES – MONTANA – UNITED STATES  
COMPACT

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CASE NO. WC-0001-C-2021

**MOTION TO DISMISS  
OBJECTIONS FILED BY UNREPRESENTED ARTIFICIAL ENTITIES**

The United States of America, Confederated Salish and Kootenai Tribes, and State of Montana (collectively “Compact Parties”), hereby move the Court to dismiss the following docketed objections for failing to comply with the orders and rules of this Court requiring artificial entities (corporations, trusts, etc.) from proceeding during the Hearing Track without counsel:

<b>Objector Name(s)</b>	<b>Objection Dkt. No(s).</b>	<b>Date Filed</b>	<b>Motion to Amend Docket No.</b>	<b>Motion to Amend Date</b>
A Abel Properties LLC	631.00 763.00	2/6/2023 2/7/2023		
Amrine Family Revocable Trust	992.00	2/9/2023		
Barbara Wiltzen Van Arsdell Trust	951.00 1,036.40	2/9/2023 2/13/2023		
Bates Land Company LLC	613.00	2/6/2023		
Boiteau Family Trust	936.00	2/9/2023		
Bunyea Legacy Wealth Trust	156.00	11/29/2022		
Columbia Farms Inc.	749.00	2/6/2023	1,540.00	12/8/2023
Dylina-Brown Family Trust	471.00	12/16/2022		
Franklin Trust	700.00	2/6/2023		
Green Mountain Water User Association	268.00 381.00	12/2/2022 12/5/2022		
Horseshoe Acres Ranch Inc.	581.00	2/2/2023		
James P. Oursland Trust	608.00	2/6/2023		
John G. and Barbara E. Kaye Trust	709.00	2/6/2023		
Keith and Carol Brandt Revocable Trust	724.00	2/6/2023		
Lakeview 1 Water Users Assoc.	607.00	2/6/2023		
Laura Slominski Trust	1,004.00 1,038.30	2/9/2023 2/15/2023		
Leroy Gebhardt Revocable Trust	1,002.00 1,034.40	2/9/2023 2/10/2023		

Longhorn Arena LLC	762.00	2/7/2023		
Marcia B. Amrine Revocable Trust	992.00	2/9/2023		
Mountain Range Materials LLC	912.00	2/8/2023		
Nies Family Living Trust	820.00	2/7/2023		
Northshore Estates Homeowners Association	795.00	2/7/2023		
Olson Living Trust	884.00	2/8/2023		
Richard C. Cary Trust	1,013.00	2/9/2023		
Robert Lee and Darla Beth Pearson Trust	716.00	2/6/2023	1,518.00	12/8/2023
Susan P. Oursland Trust	610.00	2/6/2023		
Thomas and Teresa Collins Family Trust	234.30 399.00	12/1/2022 12/6/2022		
Western Constitutional Rights Protection LLC	1,022.00	2/9/2023		

The Compact Parties base this motion on *Case Management Order No. 3*, Dkt. No. 1,395, ¶¶ 1 & 2.b (October 18, 2023); Water Right Adjudication Rules (“W.R.Adj.R.”) 16, 22 & 33; all documents on record in this case; and on the following brief in support of the motion.

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**BRIEF IN SUPPORT OF MOTION TO DISMISS OBJECTIONS FILED BY UNREPRESENTED ARTIFICIAL ENTITIES**

**INTRODUCTION**

Pursuant to the schedule established in *Case Management Order No. 3*, (“CMO 3”), Dkt. No. 1,395, ¶¶ 1 & 2.b (October 18, 2023), the Compact Parties move to dismiss 33 Objections filed by artificial entities that are unrepresented (“Unrepresented Entities”) and that thereby contravene orders and rules of this Court.

**LEGAL STANDARD**

The Water Court’s adjudication rules require artificial entities – which include corporations and trusts – to be represented by a licensed attorney once a case is placed on a hearing track. Rules 16(c) and 33(a), W.R.Adj.R. This Court has repeatedly ruled in this case that all artificial entity Objectors must have an attorney during the Hearing Track. Nearly a year

ago, the Court described a six-month Settlement Track and then a Hearing Track when an attorney would be “require[d].” *Case Management Order No. 2* (“CMO 2”), Dkt. No. 1,084, at ¶ 4.b (March 27, 2023). Five months ago, this Court specifically ordered that “all parties, other than natural persons representing themselves, must be represented by an attorney in all Water Court proceedings.” CMO 3, at ¶ 1. CMO 3 specifically provided a 30-day time limit for such artificial entities to have an attorney file a notice of appearance. *Id.* Furthermore, the Court has twice affirmed this requirement in response to specific challenges in this case. *Order No. 33 on Motions to Amend Objections (Columbia Farms, Inc.)*, Dkt. No. 1,719 (February 22, 2024); *Order on Requests to Waive Designation of Legal Counsel*, Dkt. No. 1,444 (November 30, 2023). The Water Court may sanction parties that fail to follow its orders by dismissing their objections. Rule 22, W.R.Adj.R.

### **ARGUMENT**

The Unrepresented Entities should be dismissed for failing to have counsel in this Hearing Track proceeding. All these Objectors are artificial entities. This Court’s longstanding rules require artificial entities to have counsel during the Hearing Track. CMO 2 and CMO 3 provided notice of the requirement to secure counsel during the Hearing Track and to do so by November 17, 2023. That date is now more than four months past. Therefore, all the Unrepresented Entities should be dismissed as an appropriate sanction for violating Water Court rules and orders. Rule 22, W.R.Adj.R.

Several of the Unrepresented Entities are particularly aware of this representation requirement and have failed to comply. On November 30, 2023, the Court denied requests to waive the attorney representation requirement filed by, among others, the Western Constitutional Rights Protection LLC, and the Robert Lee and Darla Beth Pearson Trust. Dkt. No. 1,444.00. Then, in February, this Court denied Columbia Farms, LLC’s Motion to Amend its Objection because it was not filed by an attorney. Dkt. No. 1,719.00.

### **CONCLUSION**

Because the Unrepresented Entities continue to defy Rules 16(c) and 33(a), W.R.Adj.R, and the Court’s repeated clear warnings to obtain legal counsel in CMO 2 and CMO 3, all their Objections should be dismissed.

Respectfully submitted this 3rd day of April 2024.

DATED: \_\_\_\_\_           /s/ David W. Harder            
Attorney for the United States of America

DATED: \_\_\_\_\_           /s/ Melissa Schlichting            
Attorney for the Confederated Salish & Kootenai Tribes

DATED: \_\_\_\_\_           /s/ Molly Kelly            
Attorney for the State of Montana

**Certificate of Service**

I certify that a copy of the foregoing was served by first class mail or email to the Objectors and by email to counsel as set forth below this 3rd day of April 2024.

/s/ Pamela McDonald  
Pamela McDonald, Paralegal  
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