

Todd Kim, Assistant Attorney General  
David W. Harder  
Senior Attorney for Legal Issues  
United States Department of Justice  
999 18th Street, South Terrace Suite 370  
Denver, CO 80202  
303-844-1372  
[david.harder@usdoj.gov](mailto:david.harder@usdoj.gov)  
[efile-denver.enrd@usdoj.gov](mailto:efile-denver.enrd@usdoj.gov)

Yosef M. Negose, Trial Attorney  
United States Department of Justice  
Indian Resources Section  
Environment and Natural Resources Div.  
P.O. Box 7611  
Ben Franklin Station  
Washington, D.C. 20004  
202 353-8596  
[yosef.negose@usdoj.gov](mailto:yosef.negose@usdoj.gov)

Molly Kelly, Legal Counsel  
Jennifer C. Wells, Legal Counsel  
Montana Department of Natural Resources  
and Conservation  
1539 Eleventh Avenue  
P.O. Box 201601  
Helena, Montana 59601  
406-444-5785  
[molly.kelly2@mt.gov](mailto:molly.kelly2@mt.gov)  
[J.Wells@mt.gov](mailto:J.Wells@mt.gov)

Rebecca Ross, Senior Attorney  
James Cooney, Trial Attorney **WC-0001-C-2021**  
United States Department of Justice  
Indian Resources Section **October 3, 2024**  
Environment and Natural Resources Div.  
150 M Street, NE **Montana Water Court**  
Washington DC 20002  
202-616-3148 (Ross)  
202-532-3098 (Cooney)  
[rebecca.ross@usdoj.gov](mailto:rebecca.ross@usdoj.gov)  
[james.cooney@usdoj.gov](mailto:james.cooney@usdoj.gov)

Daniel J. Decker, Managing Attorney  
Melissa Schlichting, Staff Attorney  
Christina M. Courville, Staff Attorney  
Zach Zipfel, Staff Attorney  
Confederated Salish and Kootenai Tribes  
Tribal Legal Department  
P.O. Box 278  
Pablo, MT 59855  
406-675-2700  
[daniel.decker@cstkt.org](mailto:daniel.decker@cstkt.org)  
[melissa.schlichting@cstkt.org](mailto:melissa.schlichting@cstkt.org)  
[christina.courville@cstkt.org](mailto:christina.courville@cstkt.org)  
[zachary.zipfel@cstkt.org](mailto:zachary.zipfel@cstkt.org)

Ryan C. Rusche  
Sonosky, Chambers, Sachse, Endreson  
& Perry, LLP  
P.O. Box 2930  
Columbia Falls, MT 59912  
(202) 682-0240, Ext. 697  
[rusche@sonosky.com](mailto:rusche@sonosky.com)

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

\*\*\*\*\*

**CASE NO. WC-0001-C-2021**

---

**COMPACT PARTIES' ANSWER BRIEF TO EXTENSION OF TIME REQUEST BY  
JERRY O'NEIL (DKT. NO. 1983.00)**

The United States of America, Confederated Salish and Kootenai Tribes, and State of Montana (collectively “Compact Parties”), submit their answer brief to the *Motion Requesting Extension of October 4<sup>th</sup> Deadline*, filed by Jerry O’Neil on October 1, 2024, reportedly on behalf of 30 Objectors. Dkt. No. 1983.00. Mr. O’Neil seeks to extend the Court’s deadline from October 4 to October 31 to request oral argument on specified issues raised in connection with a pending motion. *Id.* at 1-2.<sup>1</sup> Most of the rationale for the request is to determine who speaks on behalf of the Objectors or for Objectors to hire an attorney to present argument. *Id.* at 1.

The Compact Parties oppose the extension motion because Objectors overstate what they need to accomplish before October 4. First, Objectors admit that they have “tentatively decided” their list of issues, so thirty additional days for that purpose is unwarranted. Dkt No. 1983.00 at 1. Second, Objectors’ statement that they need more time to determine who will speak for the undisclosed group of self-represented Objectors is inapplicable now. Objectors’ only obligation on October 4, 2024 is to list the issues raised in connection with pending motions that they believe require explanation at oral argument. Dkt. No. 1982.00 at 2-3. Objectors overlook that the Court may not select their issues for the oral argument. Thus, there is no need for Objectors to determine speakers for oral argument *now*, as who can speak for them depends on the Court issuing a subsequent order (i) listing one of their issues among those to be argued on November 14-15, 2024, and (ii) permitting any of their group to present at oral argument on any of those issues. This, together with the fact that they have “tentatively decided” their list of issues already, Dkt. No. 1983.00 at 1, means their work for the immediate deadline is essentially complete.

The Compact Parties nevertheless do not oppose a few days’ extension for the Court to process Objectors’ request and for Objectors to finalize their “tentatively decided” list of issues. Any extension beyond October 9, 2024 is unsupported by the extension request and would significantly delay the Court’s ability to review the suggested oral argument issues and timely provide an order for all the parties to review before the oral argument.

Respectfully submitted this 3rd day of October, 2024.

/s/ David W. Harder  
Attorney for the United States of America

/s/ Melissa Schlichting

---

<sup>1</sup> The governing order to be extended is the *Court Minutes and Order Modifying Briefing Schedule*, Dkt. No. 1982.00, September 24, 2024.

Attorney for the Confederated Salish & Kootenai Tribes

/s/ Molly Kelly

Attorney for the State of Montana

### CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served via email to counsel to the Compact Parties and to Objector Jerry O'Neil, and to the other Objectors who signed the extension request, as set forth below this 3rd day of October, 2024.

/s/ Pamela McDonald

Pamela McDonald

Paralegal

CSKT Legal Department

Molly Kelly, Legal Counsel  
Jennifer C. Wells, Legal Counsel  
MT Dept. of Natural Resources and Conservation  
1539 Eleventh Avenue  
P.O. Box 201601  
Helena, Montana 59601  
[molly.kelly2@mt.gov](mailto:molly.kelly2@mt.gov)  
[Jean.saye@mt.gov](mailto:Jean.saye@mt.gov)  
[J.wells@mt.gov](mailto:J.wells@mt.gov)

Terisa Oomens  
Agency Legal Counsel  
Agency Legal Services Bureau  
1712 Ninth Avenue  
P.O. Box 201440  
Helena, MT 59620-1440  
[Terisa.oomens@mt.gov](mailto:Terisa.oomens@mt.gov)

Ryan C. Rusche  
Sonosky, Chambers, Sachse, Endreson  
& Perry, LLP  
P.O. Box 2930  
Columbia Falls, MT 59912  
[rusche@sonosky.com](mailto:rusche@sonosky.com)

Todd Kim, Assistant Attorney General  
David W. Harder  
Senior Attorney for Legal Issues  
United States Department of Justice  
Indian Resources Section  
Environment & Natural Resources Div.  
999 18<sup>th</sup> Street, South Terrace, Suite 370  
Denver, Colorado 80202  
[david.harder@usdoj.gov](mailto:david.harder@usdoj.gov)  
[efile\\_denver.enrd@usdoj.gov](mailto:efile_denver.enrd@usdoj.gov)

Rebecca Ross, Senior Attorney  
James Cooney, Trial Attorney  
United States Department of Justice  
Indian Resources Section  
Environment and Natural Resources Div.  
150 M Street, NE  
Washington, D.C. 20004  
[rebecca.ross@usdoj.gov](mailto:rebecca.ross@usdoj.gov)  
[james.cooney@usdoj.gov](mailto:james.cooney@usdoj.gov)

Yosef Negose, Trial Attorney  
United States Department of Justice  
Indian Resources Section  
Environment and Natural Resources Div.  
P.O. Box 7611  
Ben Franklin Station  
Washington, DC 20004  
[yosef.negose@usdoj.gov](mailto:yosef.negose@usdoj.gov)

Daniel J. Decker, Managing Attorney  
Melissa Schlichting, Staff Attorney  
Christina M. Courville, Staff Attorney  
Zach Zipfel, Staff Attorney  
Confederated Salish & Kootenai Tribes  
Tribal Legal Department  
P.O. Box 278  
Pablo, MT 59855  
[daniel.decker@cskt.org](mailto:daniel.decker@cskt.org)  
[Melissa.schlichting@cskt.org](mailto:Melissa.schlichting@cskt.org)  
[Christina.courville@cskt.org](mailto:Christina.courville@cskt.org)  
[Zachary.zipfel@cskt.org](mailto:Zachary.zipfel@cskt.org)

**Service Via Email:**

Valerie Root  
73503 Greywolf Drive  
Arlee, MT 59821  
[rootfarmarlee@gmail.com](mailto:rootfarmarlee@gmail.com)

**Service Via USPS:**

Jerry O'Neil  
985 Walsh Road  
Columbia Falls, MT 59912

Gunner and Beth Junge  
PO Box 591  
Thompson Falls, MT 59873

Frank K and Mary E Mutch  
33678 N. Finley Pt. Rd.  
Polson, MT 59860

Mark T French  
8682 Hwy 200  
Plains, MT 59859

Charles F and Teresa A Havens  
30734 Mission Creek Rd.  
St. Ignatius, MT 59865

Keith S and Jolene A Regier  
1078 Stillwater Road  
Kalispell, MT 59901