

WC-0001-C-2021

October 3, 2024

Montana Water Court

1 Kristin L. Omgvig  
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*Attorneys for Omgvig Hammer Law, P.C. Objectors*

8 **IN THE WATER COURT OF THE STATE OF MONTANA**  
9 **CONFEDERATED SALISH AND KOOTENAI TRIBES -**  
10 **MONTANA - UNITED STATES COMPACT**

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

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12 **OMVIG HAMMER LAW, P.C.’s MOTION TO APPEAR BY ZOOM AT**  
13 **ORAL ARGUMENT SET FOR NOVEMBER 14 AND 15, 2024 AT 9:00 A.M.**

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14 Kristin L. Omgvig and Benjamin J. Hammer of Omgvig Hammer Law, P.C., Counsel  
15 for its Objectors (“Objectors’ Counsel”)<sup>1</sup>, hereby request that Kristin L. Omgvig and Benjamin  
16 J. Hammer be allowed to attend by ZOOM the ORAL ARGUMENT set for November 14  
17 and 15, 2024 at 9:00 a.m. in the Russell Smith Federal Courthouse, Missoula, Montana.

18 Good cause exists as a video appearance by Objectors’ Counsel eliminates the need  
19 for Objectors’ attorneys to travel from Kalispell, Montana to Missoula, Montana for 2 to 3  
20 days, thus minimizing the financial burden for its Objectors.

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24 <sup>1</sup> The individual Objectors represented by Omgvig Hammer Law, P.C. in this matter (collectively “Omgvig Hammer Law, P.C. Objectors”) are listed in Exhibit A, attached hereto and incorporated herein by reference.

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Objectors’ Counsel will be present by Zoom and available to respond to any questions and/or issues that may be asked by the Court.

A proposed Order is submitted herewith for the Court’s consideration.

DATED this 3rd day of October, 2024.

OMVIG HAMMER LAW, P.C.

By: /s/ Kristin L. Omgig  
Kristin L. Omgig  
Benjamin J. Hammer  
Attorneys for Omgig Hammer Law, P.C. Objectors

**CERTIFICATE OF SERVICE**

I, Kristin L. Omvig, one of the attorneys of the law firm of OMVIG HAMMER LAW, P.C., do hereby certify that on the 3rd day of October, 2024, I served a true and correct copy of the foregoing document upon the person(s) named below, at the address set out below, either by emailing, mailing, hand delivery, or Federal Express, in a properly addressed envelope, postage prepaid, or by telecopying a true and correct copy of said document.

Daniel J. Decker Melissa Schlichting Christina M. Courville Zach Zipfel Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855	<input type="checkbox"/> E-Filing Service <input type="checkbox"/> U.S. Mail (first class postage) <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Telefacsimile <input checked="" type="checkbox"/> Other: E-mail: Melissa.Schlichting@cskt.org Christina.Courville@cskt.org daniel.decker@cskt.org zachary.zipfel@cskt.org
Ryan C. Rusche Sonosky, Chambers, Sachse, Endreson & Perry, LLP PO Box 2930 Columbia Falls, MT 59912	<input type="checkbox"/> E-Filing Service <input type="checkbox"/> U.S. Mail (first class postage) <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Telefacsimile <input checked="" type="checkbox"/> Other: E-mail: rusche@sonosky.com
Todd Kim Assistant Attorney General David W. Harder Senior Attorney for Legal Issues U.S. Department of Justice Indian Resources Section Environment & Natural Resources Div. 999 18th St. South Terrace, Suite 370 Denver, Colorado 80202	<input type="checkbox"/> E-Filing Service <input type="checkbox"/> U.S. Mail (first class postage) <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Telefacsimile <input checked="" type="checkbox"/> Other: E-mail: david.harder@usdoj.gov efile_denver.enrd@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, D.C. 20004	<input type="checkbox"/> E-Filing Service <input type="checkbox"/> U.S. Mail (first class postage) <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Telefacsimile <input checked="" type="checkbox"/> Other: E-mail: yosef.negose@usdoj.gov

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Rebecca M. 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, DC 20002	<input type="checkbox"/> E-Filing Service <input type="checkbox"/> U.S. Mail (first class postage) <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Telefacsimile <input checked="" type="checkbox"/> Other: E-mail: rebecca.ross@usdoj.gov james.cooney@usdoj.gov
Molly M. Kelly Jennifer C. Wells Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601	<input type="checkbox"/> E-Filing Service <input type="checkbox"/> U.S. Mail (first class postage) <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Telefacsimile <input checked="" type="checkbox"/> Other: E-mail: Molly.kelly2@mt.gov Jean.saye@mt.gov J.Wells@mt.gov
Terisa Oomens Agency Legal Counsel Agency Legal Services Bureau P.O. Box 201440 Helena, MT 59620-1440	<input type="checkbox"/> E-Filing Service <input type="checkbox"/> U.S. Mail (first class postage) <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Telefacsimile <input checked="" type="checkbox"/> Other: E-mail: Terisa.oomens@mt.gov

/s/ Kristin L. Omgig  
Kristin L. Omgig

**OBJECTORS**

<b>OBJECTORS</b>	<b>DOCKET NO.</b>	<b>BASIN</b>	<b>PURPOSE</b>	<b>No. of Rights</b>	<b>SOURCE</b>
<b>(Purpose Codes: C-Comm'l; D-Domestic; FW-Fish and Wildlife; G-Garden; I-Irrig; L-Lawn; M-Municipal; PG-Power Generation, S-Stock)</b>					
Burns, Rodney L.	874.00; 1,671.00	76N	D, I, L, G, PG, S	6	S
Burrell, Rick C. and Jaclyn D.	472.00; 1703.00	76L	D	1	G
Collard, Scott R. and Nancy L.	617.00, 678.00; 1,702.00	76LJ	D	1, 1 pending	G
Cuvillier, Gerald J.	545.00 546.00 547.00 548.00 549.00 550.00 551.00; 1,672.00	76N	D, I, L, G, S	6	G, S
Dykstra, Wayne A.	967.00; 1,668.00	76N	D, L, G	2	G
Hafer, Barbara K. and David W.	622.00; 1,669.00	76LJ	D, L, G	2	G, S
Arthur A. Harlow and Michele L. Harlow-Troudt Trust, Arthur A. Harlow, Trustee	559.00 560.00, (replaced559.00) 564.00; 1,673.00	76N	D, FW, I, PG, R, S	24	S
Hungry Horse Water and Sewer District	800.00; 1,700.00	76J, 76LJ	M	6	G, S
The Michael W. Knapp 1997 Irrevocable Trust, Shannon Knapp, Trustee	588.00; 1,670.00	76LJ	D	1	G

**OBJECTORS**

<b>OBJECTORS</b>	<b>DOCKET NO.</b>	<b>BASIN</b>	<b>PURPOSE</b>	<b>No. of Rights</b>	<b>SOURCE</b>
Lilja, Daniel R. and Sally R.	347.00; 1,697.00	76N	D, I, L, G, S	8	G, S
Lund, Erik	274.00; 1,695.00	76LJ	D, I	2	G, S
Mitchell, Charles F. and Cathy B.	469.00, 470.00; 1,666.00	76LJ	D, I, L, G, S	2	G, S
Katherine Ann Noland Trust, Katherine Ann Noland, Trustee	859.00; 1,698.00	76K	D, L, G	1	G
M & K Distributing LLC, Member Representative Mark Noland	860.00; 1,694.00	76LJ	I	1	S
Flathead Janitorial & Rug Service Inc., President Mark Noland	861.00; 1,701.00	76LJ	C	1	G
Omvig, Kristin	995.00; 1,665.00	76LJ	D	1	G
Pope Property Trust, Elmore and Dona Pope, Trustees	611.00; 1,664.00	76N	D, FW, I, L, G, S	5	G
Quarter Circle LA Ranches, Inc.	994.00; 1,663.00	76K 76LJ	C, D, (Multiple) D, I, S	12	G, S
Michele M. Tammaro Trust, Michele M. Tammaro, Trustee	648.00; 1,667.00	76N	D, I	2	G
Uren, John	819.00; 1,690.00	76LJ	D, I	4	G, S
Wilson, Alan C. and Deborah M.	464.00; 1,691.00	76LJ	D, L, G	1	G
Banning, Edmund	601.00; 1,648.00	76K	D, L, G	1	G
Edmund T. Banning Trust, Edmund T. Banning, Trustee	602.00; 1,651.00	76K	D, L, G, I, S	4	G, S

**OBJECTORS**

<b>OBJECTORS</b>	<b>DOCKET NO.</b>	<b>BASIN</b>	<b>PURPOSE</b>	<b>No. of Rights</b>	<b>SOURCE</b>
Bigfork County Water & Sewer District	1008.00; 1,704.00	76LJ	C, I, M	6	G
Johnson's Ranch LP	255.00; 1,699.00	76LJ	I	1	S
Little, Pamela	473.00, 474.00, 475.00; 1,653.00	76N	D, I, S	3	G
35 Lincoln LLC, Member Representative Bridget Riddle	889.00; 1,647.00	76LJ	C, D, I, L, G, Other Purpose	6	G, S
Contierra LLC, Member Representative Hunter Riddle	890.00; 1,650.00	76LJ	D, I, L, G	7	G, S
El Camino Colorado LLC, Member Representative Bridget Riddle	891.00; 1,652.00	76LJ	D, I	1	G
The Riddle Brian K and Bridget L 2002 Revocable Trust, Bridget Riddle, Trustee	892.00; 1,649.00	76LJ	D, I, L, G, S	7	G, S
Tierra Antiquities LLC, Member Representative Hunter Riddle	893.00; 1,657.00	76LJ	D	1	G, S
R Thompson Farms LLC, Member Representative Raymon F. Thompson	635.00; 1,654.00	76LJ	C, D, I, L, G, S	8	G, S
Rose Crossing LLC, Member Representative Raymon F. Thompson	636.00; 1,655.00	76LJ	D, I, L, G, S	2	G, S
Sykes Real Estate LLC, Member Representative Raymon F. Thompson	637.00; 1,656.00	76LJ	Geothermal	1	G, S
William Dingwall Co.	799.00; 1,658.00	76G	I	2	S

**OBJECTORS**

<b>OBJECTORS</b>	<b>DOCKET NO.</b>	<b>BASIN</b>	<b>PURPOSE</b>	<b>No. of Rights</b>	<b>SOURCE</b>
Granley, Gordon and Audrey	522.00, 523.00; 1,686.00	76L	D	2	G
Jensen, John and Mary E.	695.00; 1,685.00	76LJ	D, Other	180 day regis.	G
Jewell, Elizabeth A.	623.00; 1,684.00	76L	D, L, G	1	G
Kelley, Patrick W. and Dianna J.	710.00; 1,683.00	76L	Multiple D, L, G	1	G
Smith, Clayton J.	781.00; 1,677.00	76L	D, L, G, S	1	G
Smith, Horace K.	782.00; 1,676.00	76L	D, L, G, S	1	G
Smith, Leroy S.	794.00; 1,675.00	76L	D, L, G, S	1	G
Marquart, Ricky D. and Paulette Y.	702.00; 1,682.00	76L	D	1	G
Morris Family Trust	628.00; 1,681.00	76L	C, D	1	G
Posivio, Gene and Linda	717.00; 1,680.00	76L	I	None (uses FJBC WR)	S
Rigg, Charles	632.00; 1,692.50	76LJ	D	1	G, S
Robbins, Everett	516.00; 1,692.00	76LJ	D, L, G	FRWMB Water Right No.	G
Roush, Dennis L.	718.00; 1,679.00	76L	D, S	2	G
Collision Craft Polson Corp.; Schoening, Brendeon and Felicia Knight-Schoening	973.00 (CC); 1,687.00 975.00 (S); 1,678.00	76L	C	1	G
Cross Family Limited Partnership, Partner Wayne C. Cross; Wayne C. Cross	618.00=Cross Family LP, 1,661.00; 619.00 Wayne Cross, 1,662.00	76L	Cross F LP:D,I,S WC: I, S	Cross F LP: 16 WC: 5	G, S
H/S Ranch, LLC	586.00; 1,660.00	76L (40P)	D, I, S	7	G, S
Lidstrom, Gregory W. and Mary Ann	882.00; 1,696.00	76L 76LJ	D, I, S	10	G,S



**OBJECTORS**

<b>OBJECTORS</b>	<b>DOCKET NO.</b>	<b>BASIN</b>	<b>PURPOSE</b>	<b>No. of Rights</b>	<b>SOURCE</b>
Marmon, Patrick S.	735.00, 852.00.; 1,693.00	76L	I, S	3	S
Marmon, Justin J.	843.00; 1,693.50	76L	D, S	2	G
Hofschulte, D&D / Sage Country, LLC	530.00, 531.00, 532.00, 533.00; 1,689.00	76L	S, I, D, L, G	4	G, S

**OBJECTORS**  
**ROSS MIDDLEMIST, ORR REVOCABLE LIVING TRUST, DANIEL B. COLE**

OBJECTOR	DOCKET NO.	BASIN	PURPOSE	No. of Rights	SOURCE
(Purpose Codes: C-Comm'l; D-Domestic; G-Garden; I-Irrig; L-Lawn; S-Stock)					
Middlemist, Ross	572.00; 1,659.00	76L	D, L, G, I, S	26	G, S
Orr, Timothy G. & Margaret A. Revocable Living Trust	630.00; 1,674.00	76L	Multiple D, L, G,S	4	G, S
Cole, Daniel B.	990.00; 1,688.00	76L	D, S	8	G, S