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October 4, 2024

Montana Water Court

**IN THE WATER COURT OF MONTANA CONFEDERATED SALISH
AND KOOTENAI TRIBES – MONTANA – UNITED STATES COMPACT**

Case No. WC-0001-C-2021

REQUEST FOR ORAL ARGUMENT

With leave of the Court granted by its Court Minutes and Order Modifying Briefing Schedule dated September 24, 2024, Objectors Elena Ingraham (Motta) and Linda J. Sauer respectfully request oral argument in the above-entitled case.

Good cause exists for oral argument. Issues have been raised that demonstrate that the Compact will have serious and far-reaching impacts. Further, a hearing will provide an opportunity for oral argument to clarify the issues for presentation to and decision by the Court. Oral argument will also demonstrate for the Court the issues of disputed fact which preclude summary judgment under Mont. R. Civ. Pro. 56, as well as provide the opportunity to resolve the legal issues currently presented to the Court.

We submit these issues for argument that were raised in the motion pertaining to res judicata (Doc. 1813, and the Compact Parties' motion regarding Compact adequacy and fairness Doc. 1823 (responded to in the Ingraham / Jore Answer brief Doc.1919).

1. Res Judicata: Whether the aboriginal claims in the compact are barred by the doctrine of res judicata, as the same or substantially similar claims were previously litigated and settled with Finality in Indian Claims Commission Docket 61 and U.S. Court of Claims Docket 50233.
2. Fairness and Adequacy of the Compact: Whether the Compact Parties engaged in collusion or overreach with respect to the Compact Negotiation Settlement Process, thereby violating due process and providing a Compact that is not substantively fair.
3. Constitutional Issues: Whether provisions in the Compact violates due process via the Unitary Management Provisions in it. US Constitution Amendment 14 and Montana Constitution art. II, § 17

WHEREFORE, for the reasons stated herein, we ask that our request for oral argument be granted. Respectfully submitted this 4th Day of October, 2024.

/s/ Elena Ingraham (Motta)
Elena Ingraham (Motta)

/s/ Linda J. Sauer
Linda J. Sauer

CERTIFICATE OF SERVICE

This is to certify that the foregoing was served on the following persons as noted below.

Montana Water Court 1123 Research Drive P.O. Box 1389 Bozeman, MT 59771-1389	<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"/> E-mail: watercourt@mt.gov
United States Todd Kim Assistant Attorney General David W. Harder Senior Attorney for Legal Issues Yosef M. Negose, Trial Attorney U.S. Department of Justice Indian Resources Section Environment & Natural Resources Div. 999 18th St., South Terrace, Suite 370 Denver, Colorado 80202 Rebecca M. Ross, Senior Attorney USDOJ James Cooney, Trial Attorney USDOJ 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"/> E-mail: webcontentmgr.enrd@usdoj.gov david.harder@usdoj.gov efile_denver.enrd@usdoj.gov yosef.negose@usdoj.gov rebecca.ross@usdoj.gov james.cooney@usdoj.gov
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CS&KT Daniel J. Decker Melissa Schlichting Christina M. Courville Zach Zipfel Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 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"/> E-mail: Melissa.Schlichting@cskt.org Christina.Courville@cskt.org daniel.decker@cskt.org zachary.zipfel@cskt.org rusche@sonosky.com

Dated this 4th day of October, 2024

/s/ Linda J. Sauer
Linda J. Sauer