

Vivian Allen  
*Pro Se*  
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WC-0001-C-2021  
February 18, 2025

Montana Water Court

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

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

**OBJECTOR  
VIVIAN ALLEN**

**REQUEST FOR HEARING**

COMES NOW, Vivian Allen, and respectfully requests a hearing in the above matter.

Objector intends to prove material injury by operation of the Compact.

- a. Objector's Objection (20 November 2022, Docket #126) and Amendments (30 November 2022 and 7 December 2023, Dockets #385 and 1496) are hereby adopted and incorporated by reference with this Request, as they raise questions of material injury and issues/facts requiring discovery for the purpose of proving material injury.
- b. Objector wishes to participate in a hearing during the dates this court has set for Kalispell hearings, May 6 to May 8, 2025, at the Flathead County Courthouse. Objector plans to offer exhibits and may offer witnesses.
- c. The compactors have the POWER, to take away my water rights, and there is nothing in the compact that says they need to protect me. The "no call" provision is meaningless if they have drained my well dry by their compactual appropriations.

There are no guarantees in the compact that as soon as it starts affecting my groundwater, they'll stop taking the water. That has already in fact happened to others—who were told “tough luck.” If they have an absolute unlimited right to control “their” water, which is inextricably linked with my water, they control my water rights.

Further, I will and do rely on all the arguments used by attorneys Wally Congdon, and Omvig & Hammer, all listed as counsel for the Hungry Horse Water and/or County Sewer District, also objecting in this matter, because of location and similar issues. I also rely on the arguments of Objector Mickale Carter as to the hydrological linking of surface water and groundwater in this basin, and any other arguments she may make, being owner of similar groundwater rights in the same basin. I also rely on Ms. Carter’s evidence that the Compact Parties cannot prove that CSKT has a right to off reservation water based upon its off-reservation fishing rights, as “currently exercised,” and that there is no legal basis for any claim of off-reservation water rights, including those claimed in Flathead County. I rely on Ms. Carter’s legal arguments and witnesses. I rely upon the constitutional and other applicable issues and arguments being raised by other objectors, and on the evidence offered by their witnesses, such as will, or may have, even a penumbra of applicability to my rights or to my situation.

Evidence will show the biological impact evaluation of the 90,000AF withdrawal of water in the Hungry Horse Reservoir will affect me negatively, i.e, result in material injury, and that the lowering of the ground water level by the CSKT will be especially devastating during times of drought. If and when taking by the CSKT lowers the

groundwater level to such an extent that I cannot access my water rights, my water rights are unreliable. The material effect by the Compact on access to the groundwater as set forth in my water rights is further complicated by the Hungry Horse Water and/or Sewer District's town water supply because their deeper well is next to mine and junior in right, injuring/harming them if I choose to make a call on their right and injuring/harming me if I choose not to make a call on my town's public water supply well.

- d. My offer of proof can be made in less than one hour.
- e. Objector is not available on May 6<sup>th</sup> between 10:30am and 1:00pm; all other days and times are suitable, though no early morning schedule is preferable, if available, in the event of possible travel exigencies.
- f. I would rely on the discovery Mr. Congden is asking for, as well as the discovery Ms Carter is requesting, and any discovery Omvig & Hammer may ask for. I also rely on other discovery requested by other objecting parties in the presentation of their arguments. I am certain all of that discovery should be granted and is necessary in order to prove material injury. I am as equally or similarly affected as above counsel's clients and a number of other objectors.
- g. Relying upon the discovery cited in f. above, I herewith adopt and incorporate by reference any proposed discovery requests which these parties include with their statements in their requests for hearing, to this request for hearing.

DATED this 17th day of February 2025.

/s/ Vivian Allen  
Vivian Allen  
Objector  
*Pro Se*

## **CERTIFICATE OF SERVICE**

I, Vivian Allen, do hereby certify by signature above that on the 17<sup>th</sup> day of February, 2025, I served a true and correct copy of the foregoing document upon the persons named below, at the addresses set out below, by emailing, a true and correct copy of said document.

Montana Water Court: [watercourt@mt.gov](mailto:watercourt@mt.gov)

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