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WC-0001-C-2021

February 21, 2025

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Montana Water Court

Attorneys for Objectors

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

CASE NO. WC-0001-C-2021

REQUEST FOR HEARING

COMES NOW the following Objectors by and through their attorneys of record, Walter E. Congdon and Kimberly L. Field, and hereby submit their notice of intent to participate in an evidentiary hearing and request the referenced discovery information pursuant to this Court's Case Management Order No. 5, dated January 31, 2025, and under Mont. R. Civ. Pro. 56(2)(B) & (3), and Mont. U.D.C.R. 2(d).

As per paragraph 2 of this Court's Order, Objector states the following:

- a) Objector: The Tad & Tamara Thomas Revocable Trust
Objection: Doc. # 394.00 – Dated December 6, 2022;
Amended Objection: Doc. # 1520.00 – Dated December 8, 2023

Objector: Craig H. Blevins and Beth M. Blevins
Objection: Doc. # 884.00, February 6, 2023
Amended Objection: Doc # 1519.00, December 8, 2023

Objector: Ronald B. Olmsted and Michael L. Olmsted
Objection: Doc. # 681.00, February 6, 2023
Amended Objection: Doc. # 1514.00, December 8, 2023

Objector: Roy Vallejo and Sheila Vallejo
Objection: Doc. # 823.00, February 7, 2023
Amended Objection: Doc. # 1512.00, December 8, 2023

Objector: Smyth Family Trust Agreement, Russell T. Smyth, Trustee
Objection: Doc. # 950.00, February 7, 2023
Amended Objection: Doc. # 1510.00, December 8, 2023

Objector: Longhorn Arena, LLC
Objection: Doc. # 762.00, February 7, 2023

Objector: A Abel Properties, LLC
Objection: Doc. # 631.00, February 6, 2023 and Doc. # 763.00, February 7, 2023

Objector: Ernest Otoupalik
Objection: Doc. # 764.00, February 7, 2023

Objector: James W. Phillips and Janice G. Phillips
Objection: Doc. # 217.00, November 30, 2022

Objector: Robert D. Kembel
Objection: Doc. # 364.00, December 5, 2022

Objector: North Big Arm Bay Landowners Association
Objection: Doc. # 738.00, February 6, 2023

Objector: LaBella Lane, LLC
Objection: Doc. # 324.00, December 5, 2022

- b) Objectors hereby give notice of intent to participate in the evidentiary hearing process and intend to submit written evidence of material injury at hearing.
- c) Objector's testimony and evidence relate to material injury from the following:
 - 1. Conflicting language and amendment;
 - 2. Undetermined or unidentified or undefined claims;
 - 3. Conflicts with other laws, treaties and legislation;
 - 4. Denial of and non-definition of remedies;
 - 5. Failure of the compact to meet its specific purpose;

6. Premature, incomplete and inappropriate implementation of the Compact provisions and claims;
 7. Material injury based on adjustment of agricultural irrigation water, including monetary damages and damages to crops, plants and farmland;
 8. Material injury based on noncompliance with treaty rights and obligations related to water and the administrative processes.
- d) Objectors estimate that testimony and evidence can be offered in less than one hour.
- e) Objectors could make themselves available on all proposed hearing dates, but would prefer to attend the hearing scheduled for April 29 – May 1, Lake County Courthouse, Polson, Montana.
- f) Objectors state that discovery is necessary to prove material injury and requests production by the Compact Parties of the Damages Report referred to in Paragraph D of objection 1, including Volume I, Volume II, and Volume III and that supplement of February 2016, all on file with the Department of Justice.

This information is relevant for Objectors and the Water Court pursuant to MCA 85-20-1901, Article VII(B)(2), as the Water Court's jurisdiction extends to "the termination of water rights and their administration" and the Water Quality Claims of the Compactors referred to in the hearing on November 15, 2024 as a "right", as we believe are disclosed and identified in the Damages Report.

- g) Objectors request that the Compact Parties disclose to Objectors herein a full and complete copy the Damages Report referenced in paragraph f) herein within 2 weeks of this request and request that the Court discuss the same at the February 26, 2025 Case Management Conference.

The Court is advised that the information and testimony provided by these witnesses will be utilized by other Objectors we represent as representative witnesses and exhibits.

DATED this 24th day of February, 2024.

/s/ Walter E. Congdon

WALTER E. CONGDON

/s/ Kimberly L. Field

KIMBERLY L. FIELD

CERTIFICATE OF SERVICE

I, Kimberly L. Field, do hereby certify that on the 21st day of February, 2025, I served a true and correct copy of the foregoing document by email with a request for delivery receipt upon the person(s) named below.

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