

Montana Water Court
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ELECTRONICALLY FILED

WC-0001-C-2021

July 11, 2023

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

SECOND ORDER DISMISSING OBJECTIONS¹

On May 8, 2023, the Court issued an Order to Show Cause (“Show Cause Order”). (Doc. 1,227.00). The Show Cause Order included two lists of persons. The first list included persons, or email addresses of persons, that identified emails received by the Court that appeared to be attempts to file objections to the Compact. The Court has not logged any of these emails as objections because they were deficient for failure to include an objection form or evidence the form had been properly served. The Show Cause Order provided an opportunity for these persons to demonstrate why their objections should be considered by the Court. The Show Cause Order set a May 31, 2023 deadline for responses. No one on the first list responded.

The second list in the Show Cause Order identified twenty-two persons who timely filed objections with the Court, but did not provide evidence that the objections had been properly served on the Compacting Parties. The same May 31, 2023 deadline applied to the persons on this list. None of the persons on this list responded either.

¹ The Court titles this Order as the “Second Order” because on April 10, 2023, it previously issued an order dismissing late objections. (Doc. 1,206.00).

On June 1, 2023, the Compacting Parties filed a “Notice of Objection Forms Not Served on the Compact Parties.” (“Notice”) (Doc. 1,244.00). The Compacting Parties amended and updated the Notice on July 6, 2023. (“Amended Notice”) (Doc. 1,269.00). The Amended Notice includes a lists of parties that the Compacting Parties say did not provide proper service of objections.

The Court compared the lists attached to the Amended Notice to the list of parties set forth in the Court’s Show Cause Order. Based on this comparison, the Court concludes fifteen parties are included on both the Court’s Show Cause Order and the Amended Notice lists filed by the Compacting Parties. The inclusion of these parties on the lists indicates they failed to comply with the terms of the Show Cause Order, and the Compacting Parties provided evidence that they did not receive service. These persons include:

Objector Name	Objection Docket No.	Objection Date
Bob and Mary Jamison	91.00	11/22/2022
Hall, Laura	117.00	11/28/2022
South Hills Landowners Association DBA	182.00	11/30/2022
Straub, Kevin	369.00	12/5/2022
Marks, Dale P.	420.00	12/2/2022
Oursland, Larry J	573.00	2/2/2023
Woodruff, Rick A.	664.00	2/6/2023
Salmonson, Cora L.	685.00	2/6/2023
Vanderploeg, Todd A.	868.00	2/8/2023
Warner, Mary L.	925.00	2/8/2023
Nichols, David L.	963.00	2/9/2023
Nichols, Sharon H.	964.00	2/9/2023
Carbone, Chris M.	972.00	2/9/2023
Ignaszewski, Bryan	1,009.00	2/9/2023
Schecterson, Dyan	1,023.00	2/9/2023

As set forth in the Show Cause Order, good cause exists to dismiss the objections in this table. The Court declines to dismiss the remaining objections identified in the Show Cause Order as they appear to have been received by the Compacting Parties.

Likewise, the Court will not dismiss any other objections identified in the Compacting Parties' Amended Notice absent a motion from the parties.

ORDER

THEREFORE it is ORDERED that each objection identified on the table in this Order is DISMISSED. The Master Service List on the Court's website shall be updated to reflect this Order.

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Water Judge

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