

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

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

**CLARIFICATION ORDER**

On August 29, 2023, Counsel for M & K Distributing LLC, Katherine Ann Noland Trust, and Flathead Janitorial & Rug Service Inc. filed a Motion for Clarification with the Court. (Doc. 1,321.00).

On August 25, 2023, the Court issued the Fifth Order Dismissing Objections and Updating Service List. (Doc. 1,616.00). As part of the Order, the Court notified several attorneys who inaccurately filed either Notices of Appearance or Substitutions of Counsel. The purpose of the notice was to indicate the filings were incorrect -- although the Court accepted them -- and to provide notice to the parties who may not have received proper notice as required by Section 4 of Case Management Order No. 2 and Uniform District Court Rule 10(e).

<b>Document Title</b>	<b>Party</b>	<b>Attorney</b>	<b>Docket no.</b>	<b>Docket date</b>
Notice of Appearance	Agather, Mark A; Mission View Terrace HOA	Bruce A Fredrickson; Angela M. LeDuc	1307.00	8/21/2023
Substitution of Counsel	Board of Lake County Commissioners	Walter Congdon sub for James Raymond	1243.00	5/31/2023

Notice of Substitution of Counsel	Flathead Janitorial & Rug Service Inc.	Kristin L. Omvig; Benjamin L. Hammer Sub for John Dudis	1258.00	6/23/2023
Notice of Substitution of Counsel	Katherine Ann Noland Trust	Kristin L. Omvig; Benjamin L. Hammer Sub for John Dudis	1259.00	6/23/2023
Notice of Substitution of Counsel	M & K Distributing LLC	Kristin L. Omvig; Benjamin L. Hammer Sub for John Dudis	1260.00	6/23/2023

The Motion states the Notices of Substitution of Counsel filed by Attorneys Kristin L. Omvig and Benjamin L. Hammer properly served the Compacting Parties, which is correct; however, because it did not include either consent for substitution by John Dudis or provide notice or service to John Dudis, they were included in the Order.

The filings noted in this table were provided as a courtesy to the filing parties that a notice issue may exist. Given the number of parties in this case, the Court emphasizes the importance of proper notice. However, to clarify, the Court did not dismiss any objections based on substitution of counsel notice issues. The only objections dismissed were those of parties identified on the first two tables. The Court agrees the Order is somewhat ambiguous as to the third table and apologizes for the confusion.

The parties represented by counsel on the table listed in this Clarification Order remain active objectors, and the Notice of Appearance and Substitutions of Counsel are accepted.

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Stephen R. Brown  
Water Judge

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