

Montana Water Court
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WC-0001-C-2021

June 5, 2024

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

**ORDER ON MOTION TO DISMISS OBJECTIONS FILED BY
UNREPRESENTED ARTIFICIAL ENTITIES AND ORDER NO. 12 DISMISSING
OBJECTIONS**

BACKGROUND

On April 3, 2024, the United States, DOI Bureau of Indian Affairs, Montana Department of Natural Resources and Conservation, and Confederated Salish and Kootenai Tribes (collectively “Compact Parties”) filed a Motion to Dismiss Objections Filed by Unrepresented Artificial Entities (Doc. 1743.00) (“Motion”). The Motion asks the Court to dismiss the 33 objections on the basis that they are unrepresented entities and subject to Rules 16(c) and 33(a), W.R.Adj.R. The following objections are subject to the Motion:

Name	Objection docket no.	Objection date
A Abel Properties LLC	631.00	2/6/2023
	763.00	2/7/2023
Amrine Family Revocable Trust	992.00	2/9/2023
Barbara Wiltzen Van Arsdell Trust	951.00	2/9/2023
	1036.40	2/13/2023
Bates Land Company LLC	613.00	2/6/2023
Boiteau Family Trust	936.00	2/9/2023

Bunyea Legacy Wealth Trust	156.00	11/29/2022
Collins, Thomas and Teresa Collins Family Trust	234.30 399.00	12/1/2022 12/6/2022
Columbia Farms, Inc.	749.00 1540.00 (amd.)	2/6/2023 12/8/2023
Dylina-Brown Family Trust	471.00	12/16/2022
Franklin Trust	700.00	2/6/2023
Green Mountain Water User Association	268.00 381.00	12/2/2022 12/5/2022
Horseshoe Acres Ranch Inc.	581.00	2/2/2023
James P. Oursland Trust	608.00	2/6/2023
John G. and Barbara E. Kaye Trust	709.00	2/6/2023
Keith and Carol Brandt Revocable Trust	724.00	2/6/2023
Lakeview 1 Water Users Assoc.	607.00	2/6/2023
Laura Slominski Trust	1004.00 1038.30	2/9/2023 2/15/2023
Leroy Gebhardt Revocable Trust	1002.00 1034.40	2/9/2023 2/10/2023
Longhorn Arena LLC	762.00	2/7/2023
Marcia B. Amrine Revocable Trust	992.00	2/9/2023
Mountain Range Materials LLC	912.00	2/8/2023
Nies Family Living Trust	820.00	2/7/2023
Northshore Estates Homeowners Association	795.00	2/7/2023
Olson Living Trust	884.00	2/8/2023
Richard C. Cary Trust	1013.00	2/9/2023
Robert Lee and Darla Best Pearson Trust	716.00 1518.00 (amd.)	2/6/2023 12/8/2023
Susan P. Oursland Trust	610.00	2/6/2023
Western Constitutional Rights Protection LLC	1022.00	2/9/2023

The following parties responded to the motion by retaining counsel: Richard C. Cary Trust (Docs. 1749.00 and 1750.00); Leroy Gebhardt Revocable Trust (Doc. 1755.00); A Abel Properties LLC (Docs. 1757.00 and 1758.00); and Longhorn Arena LLC (Doc. 1759.00). No one else responded and the Compact Parties did not file a reply.

DISCUSSION

On October 18, 2023, the Court issued Case Management Order No. 3. The order sets the procedures for the hearing track portion of this case. As part of the order, the

Court gave notice of the requirement that all parties, other than natural persons representing themselves, must be represented by an attorney in all future proceedings in this case. The order set a thirty day deadline for parties subject to the legal representation requirement for notices of appearance to be filed by legal counsel. The deadline ran on November 17, 2023. On November 30, 2023, the Court reaffirmed this requirement in its Order on Requests to Waive Designation of Legal Counsel. (Doc. 1444.00).

Although the four entities mentioned above that now have retained counsel missed the deadline to designate counsel, the Court concludes they sufficiently complied with the applicable rules to remain in the case, with their designated counsel of record.

The Court also notes that three of the parties identified in the Motion are parties to objections that include other self-represented individuals. These parties include: Boiteau Family Trust; Bunyea Legacy Wealth Trust; and Laura Slominski Trust. As the other parties to their objections are not subject to the entity representation rule, the objections should not be dismissed, but these entity objectors should be dismissed.

Lastly, the Motion identifies two objections that were previously denied by the Court. These include proposed objections filed by Columbia Farms, Inc. (Doc. 1540.00, denied on Feb. 22, 2024 (Order No. 33 on Motions to Amend Objections, Doc. 1719.00)), and Robert Lee and Darla Beth Pearson Trust (Doc. 1518.00, denied on Feb. 5, 2024 (Order No. 18 on Motions to Amend Objections, Doc. 1638.00)). As these two proposed objections previously were denied, they are not live objections subject to dismissal and are not addressed in this Order.

ORDER

Therefore, it is ORDERED as follows as to the Motion to Dismiss Objections Filed by Unrepresented Artificial Entities:

1. The Motion is GRANTED as to the following objectors and objections and the referenced objections are DISMISSED:

Name	Objection docket no.	Objection date
Amrine Family Revocable Trust	992.00	2/9/2023
Barbara Wiltzen Van Arsdell Trust	951.00	2/9/2023

Barbara Wiltzen Van Arsdell Trust	1036.40	2/13/2023
Bates Land Company LLC	613.00	2/6/2023
Collins, Thomas and Teresa Collins Family Trust	234.30 399.00	12/1/2022 12/6/2022
Columbia Farms, Inc.	749.00	2/6/2023
Dylina-Brown Family Trust	471.00	12/16/2022
Franklin Trust	700.00	2/6/2023
Green Mountain Water User Association	268.00 381.00	12/2/2022 12/5/2022
Horseshoe Acres Ranch Inc.	581.00	2/2/2023
James P. Oursland Trust	608.00	2/6/2023
John G. and Barbara E. Kaye Trust	709.00	2/6/2023
Keith and Carol Brandt Revocable Trust	724.00	2/6/2023
Lakeview 1 Water Users Assoc.	607.00	2/6/2023
Marcia B. Amrine Revocable Trust	992.00	2/9/2023
Mountain Range Materials LLC	912.00	2/8/2023
Nies Family Living Trust	820.00	2/7/2023
Northshore Estates Homeowners Association	795.00	2/7/2023
Olson Living Trust	884.00	2/8/2023
Robert Lee and Darla Beth Pearson Trust	716.00	2/6/2023
Susan P. Oursland Trust	610.00	2/6/2023
Western Constitutional Rights Protection LLC	1022.00	2/9/2023

2. The Motion is GRANTED as to objectors Boiteau Family Trust; Bunyea Legacy Wealth Trust; and Laura Slominski Trust and they are DISMISSED, but the Motion is DENIED as to the objections they filed jointly with other self-represented parties.

3. The Motion is DENIED as to the following objectors and their respective objections: Richard C. Cary Trust; Leroy Gebhardt Revocable Trust; A Abel Properties LLC; and Longhorn Arena LLC.

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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Franklin Trust
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St. Ignatius, MT 59865

Barbara Wiltzen Van Arsdell Trust
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PO Box 309
Plains, MT 59859

Green Mountain Water User Association
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Trout Creek, MT 59874

Bates Land Company LLC
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Thompson Falls, MT 59873

Horseshoe Acres Ranch Inc.
c/o President Jeffery S. Reed Sr.
83 Wilson Lane
Trout Creet, MT 59874

Boiteau Family Trust
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Bigfork, MT 59911

James P. Oursland Trust
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Kalispell, MT 59901

Bunyea Legacy Wealth Trust
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Bigfork, MT 59911

John G. and Barbara E. Kaye Trust
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Polson, MT 59860

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Colorado Springs, CO 80923

Keith and Carol Brandt Revocable Trust
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Ronan, MT 59864

Columbia Farms, Inc.
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Trout Creek, MT 59874

Dylina-Brown Family Trust
330 Goodrich Road
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Laura Slominski Trust
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Marcia B. Amrine Revocable Trust
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Nies Family Living Trust
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Northshore Estates Homeowners Association
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