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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

CONFEDERATED SALISH AND
KOOTENAI TRIBES,

Plaintiff,

v.

JEWELL et al.,

Defendants.

Case No. 9:14-cv-00044-DLC

FEDERAL DEFENDANTS'
OPOSED MOTION FOR
EXTENSION OF TIME

Opposed Motion for Extension of Time

The United States respectfully requests that this Court grant its motion for an extension of time to file a responsive pleading, until Thursday, October 30, 2014. For the reasons set forth below, an extension will promote judicial efficiency because the United States is evaluating whether it should seek intervention as a Plaintiff and/or dismissal as a Defendant.

The United States has conferred, or attempted to confer, with all represented parties. The following parties do not oppose the motion: Montana Water Court, District Court for the Twentieth Judicial District of Montana, Jocko Valley Irrigation District, Mission Irrigation District, and Flathead Irrigation District. The Confederated Salish and Kootenai Tribes oppose the motion. The Harms and Stickels “oppose this motion for the reason that the Federal Defendants have had ample time to formulate a position in this matter.” The Montana Attorney General’s office did not respond.

The Complaint, Amended Compl. (ECF No. 40), does not seek relief against the United States. If the United States were to file a motion to dismiss, on that sole basis, without first determining whether it will intervene as a plaintiff, the parties would likely dispute a number of legal issues over the ensuing months, including whether the United States is a necessary and indispensable party, and if so, whether

the United States has waived its sovereign immunity. This may prove unnecessary and an extension will serve judicial efficiency by preventing briefing on these issues, unless and until the United States declines to enter this case as a Plaintiff.

Since the United States first asked for an extension of time, counsel have had to contend with unexpected emergency motions and personal obligations. This is the primary basis for this request for additional time, and the reason why the United States has not yet determined its position.

Additionally, in our previous motion for extension of time, the United States had hoped that delay would have a salutary effect in regards to the injunctive count of the Complaint, by providing two different Montana State Courts to dismiss for lack of jurisdiction or take other appropriate action in the litigation brought by various irrigation entities, as the Montana Attorney General has encouraged them to do. See Mem. in Support of Montana Attorney General's Motion to Intervene at p. 5 (ECF No. 41). Although one Montana State Court has before it a motion to dismiss, the response to that motion is not due until September 30, 2014.

Respectfully submitted this 24th day of September, 2014.

/s/ Nathanael Watson
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CERTIFICATE OF SERVICE

I HERBY CERTIFY that, on September 24th, 2014, I filed the foregoing electronically through the CM/ECF System, which caused parties to be served by electronic means. AND I FURTHER certify that on such date I served the foregoing on the following non-CM/ECF Participants, by first class mail:

Alex and Blanche Crepeau
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Jocko Valley Irrigation District
Mission Irrigation District
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/s/ Nathanael Watson