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MONTANA TWENTIETH JUDICIAL DISTRICT COURT, LAKE COUNTY

FLATHEAD JOINT BOARD OF	)	
CONTROL and JERRY LASKODY,	)	Cause No. DV-15-73
BOONE COLE, TIM ORR, TED HEINS,	)	
BRUCE WHITE, SHANE ORIEN,	)	Judge: James A. Manley
WAYNE BLEVINS AND GENE	)	
POSIVIO, all members of the	)	<b>PROPOSED DEFENDANT</b>
Flathead Joint Board of Control,	)	<b>INTERVENER'S ANSWER TO</b>
	)	<b>FIRST AMENDED COMPLAINT</b>
Plaintiffs,	)	
	)	
vs.	)	
	)	
STATE OF MONTANA,	)	
	)	
Defendants,	)	

**ANSWER TO FIRST AMENDED COMPLAINT**

Comes Now the Proposed Defendant Intervenor Confederated Salish and Kootenai Tribes (Tribes) and ANSWERS the Plaintiff's First Amended Complaint and Petition for Preliminary Injunction. The Tribes' numbered Answers respond to the numbered Allegations in the Second Amended Complaint.

1. Those portions of Allegation 1 that contain citations of law are conclusions of law for which no Answer is required. As to the validity of the formation of the Flathead Joint Board of Control (FJBC), and the three Irrigation Districts (Districts), the Tribes are without sufficient

information to respond and therefore Deny. The Tribes Agree that the FJBC has an office in St. Ignatius, MT.

2. The Tribes do not have sufficient information to determine if the named individuals are properly elected “standing members of the FJBC” or of their alleged residences and therefore Deny.

3. The Tribes Agree that the State of Montana (State) is a sovereign.

4. The Tribes Agree.

5. The Tribes Agree that the Plaintiffs have filed an action in this Court but Deny that the State Defendant has violated the cited provisions of the Montana Constitution or State statute.

6. Allegation 6 consists of conclusions of law for which no Answer is required.

7. No response is called for in Allegation 7.

8. The Tribes Agree.

9. The Tribes Agree that the Compact impacts public rights and public interests but are without information to determine what, if any, “inalienable rights guaranteed to citizens of Montana under the Montana Constitution” are impacted and therefore Deny that portion of Allegation 9.

10. Allegation 10 is a vague and generalized conclusion of law for which no Answer is required, but is nonetheless Denied.

11. Allegation 11 consists of numerous conclusions of law or purported quotations of law for which no Answer is required.

12. Allegation 12 is a conclusion of law for which no Answer is required, but is nonetheless Denied.

13. The Tribes Agree with the first two sentences of Allegation 13, but are without sufficient information to understand what Plaintiff's mean by the last sentence and therefore Deny it.

14. The Tribes are without sufficient knowledge to understand Plaintiff's assertion of "unprecedented powers over all water located on the Flathead Indian Reservation," which constitutes the premise of Allegation 14, and therefore Deny it.

15. Allegation 15 constitutes recitation of law, which speaks for itself, and therefore no Answer is required.

16. Allegation 16 is a recitation of law, which speaks for itself, and therefore no Answer is required.

17. The Tribes are without sufficient information to understand what Plaintiff's assertion of what "complete control over all water rights" means and therefore Deny the first sentence. As to the balance of Allegation 17, with the exception of the term "dual sovereign water administration" the Tribes Agree.

18. The Tribes are without sufficient information to Agree or Deny Allegation 18.

19. The Tribes Agree that the Montana Senate passed SB 262, but Deny that there was any impropriety in that Legislative action.

20. The Tribes Agree that Austin Knudson expressed his opinion on the voting requirement for passage of SB 262.

21. Allegation 21 is a vague and confusing mixture of conclusions of law for which no Answer is required, but is nonetheless Denied.

22. The Tribes are without sufficient information to respond to that portion of Allegation 22 addressing what Austin Knudson “provided evidence” to support any fact and therefore Deny that portion of Allegation 22.

23. The Tribes are without sufficient information to understand Plaintiff’s allegation of “mandatory Jurisdiction” and therefore Deny that portion of Allegation 23. The Tribes Agree that the House disagreed with Austin Knudson’s legal conclusion regarding the Montana Constitution.

24. Allegation 24 consists of legal opinions and conclusions for which no Answer is required, yet nonetheless Deny any implication of wrong-doing by the Governor’s Office and/or the Office of Attorney General.

25. The Tribes Agree with Allegation 25.

26. The Tribes Agree that the House voted to approve the SB 262, but the remainder of Allegation 26 consists of conclusions of law for which no Answer is required but are nonetheless, Denied.

27. Allegation 27 is a conclusion of law for which no Answer is required, but is nonetheless Denied.

28. The Tribes Agree with the first two sentences of Allegation 28, but note that the allocation of money is for the initiation of limited Compact programs designed specifically for the benefit of the Plaintiffs. The last sentence is Denied.

29. The Tribes repeat their response to Allegation 18 in response to Allegation 29.

30. Allegation 30 requires no response.

31. Allegation 31 constitutes a conclusion of law for which no Answer is required. The law speaks for itself.

32. Allegation 32 consists of conclusions of law for which no Answer is required.

33. Allegation 33 consists of conclusions of law for which no Answer is required.

34. Allegation 34 consists of numerous conclusions of law for which no Answer is required, but is nonetheless Denied.

35. Allegation 35 requires no Answer.

36. Allegation 36 consists of numerous conclusions of law for which no Answer is required, but is nonetheless denied.

37. Allegation 37 consists of conclusions of law and to the extent accurately quoted, the law speaks for itself.

38. Denied.

39. Allegation 39 is a conclusion of law for which no Answer is required.

40. The first sentence of Allegation 40 consists of a conclusion of law for which no Answer is required. The Tribes Deny the second sentence of the Allegation.

41. Allegation 41 is a conclusion of law for which no Answer is required, but is nonetheless Denied.

42. Allegation 42 is a conclusion of law for which no Answer is required, but is nonetheless Denied.

43. Allegation 43 requires no Answer.

44. The Tribes Agree with the first sentence of Allegation 44. The balance of the Allegation consists of conclusions of law for which no Answer is required, but is nonetheless Denied.

**PRAYER FOR RELIEF.**

The Tribes Deny that Plaintiffs are entitled to any of the relief they seek.

Dated this 10th day of December, 2015.



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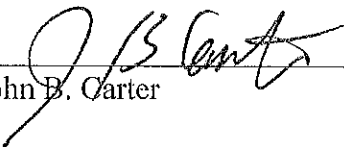
John B. Carter  
Daniel J. Decker

Attorneys for Proposed Defendant Intervenor  
Confederated Salish and Kootenai Tribes

**CERTIFICATE OF SERVICE**

I, John B. Carter, Attorney for the Confederated Salish and Kootenai Tribes, do hereby certify that on the 10th day of December, 2015, I served a duplicate original or true and correct copy of the **PROPOSED DEFENDANT INTERVENER'S ANSWER TO FIRST AMENDED COMPLAINT**, as indicated upon the person(s) named below, at the address set out below, either by mailing, hand delivery, or Federal Express, in a properly addressed envelope, postage prepaid, or by tele-copying a true and correct copy of said document.

TIMOTHY C. FOX Attorney General ALAN JOSCELYN Deputy Attorney General DALE SCHOWENGERDT Solicitor General J. STUART SEGREST MATTHEW COCHENOUR Assistant Attorneys General 215 North Sanders P.O. Box 201401 Helena, MT 59620-1401	<input checked="" type="checkbox"/> U.S. Mail (first class postage) <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Telefacsimile <input type="checkbox"/> Other: E-Mail
BRUCE A. FREDRICKSON KRISTIN L. OMVIG ROCKY MOUNTAIN LAW PARTNERS, PLLP 1830 3 <sup>rd</sup> Avenue East, Suite 301 P.O. Box 1758 Kalispell, MT 59903-1758	<input checked="" type="checkbox"/> U.S. Mail (first class postage) <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Telefacsimile <input type="checkbox"/> Other: E-Mail

  
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 John B. Carter