

DIST.	OFF.	DOCKET		FILING DATE			J	N/S	O	D		R	DEMAND		JUDGE/MAG NUMBER	JURY DEM.	DOCKET	
		YR.	NUMBER	MO.	DAY	YEAR				PTF	DEF		23	\$			OTHER	YR.
977	9	79	0033	04	05	79	1	290	1					NEAREST \$1,000 Adjudication of Water	7704 <del>7706</del>		79	33-M

PLAINTIFFS

USA (Interior)

*Cof 6 # 80-303D.*

SERVED

Rights

DEFENDANTS

COUNSEL

- ABELL, ANNETTE A.
- ABELL, MERRILL H.
- ① ANACONDA ALUMINUM
- ASKELSON, ED
- ASKELSON, EILEEN
- ⑤ BARNARD, LONNA G.
- BARNARD, RICHARD H.
- ③ BAXTER, CHARLES
- BAXTER, LAWRENCE E.
- ② BAXTER, LILA
- ⑩ BORGEN, ETHEL
- ② BREUER, HERBERT A.
- ⑩ BORGEN, FLORENCE *pl*
- ⑩ BORGEN, NORMAN *pl*
- ⑩ BORGEN, TED
- ⑬ BOWER, BARBARA J.
- BUCK, BEULAH
- ⑬ BOWER, JOHN A.

GLR-Lohn  
Burlingame  
Burlingame  
CMcIW-Ingraham  
CMcIW-Ingraham  
Kaufman-Phillip  
CMcIW-Ingraham  
Kaufman-Phillips  
Kaufman-Phillips  
Kaufman-Phillips  
C.B. McNeil  
C.B. McNeil

CAUSE • cont. on next page

28 U.S.C. §1345

Action for general stream adjudication of the Flathead River in Montana

JAMES J. CLEAR, Atty.  
JAMES W. MOORMAN  
Assist. A.G.  
Land and Natural Resources Div.  
Dept of Justice  
Wash. D.C. 20530

ROBERT T. O'LEARY  
U.S. Atty  
Butte, Mt. 59701  
FTS 585-2341

- ATTORNEYS
- ① Garlington, Lohn & Robinson  
Box 7909-Msla-59807-728-1200
  - ② Christian, McCurdy, Ingraham & Wold  
Drawer Z-Ronan, Mt. 59864 (676-0600)
  - ③ ~~Nita & Walter Robbin-pro se~~  
~~Box 101-Bigfork, Mt. 59911~~
  - ④ Murray & Holt, 500 S Higgins-Msla  
728-4950 *Box 7246*
  - ⑤ Claude I. Burlingame-Box 835-Plains  
59859 826-3091

• MURRAY, KAUFMAN, GORDON & VIDAL  
Box 899-Kalispell 59901

⑩ and  
• MURPHY, ROBINSON, HECKATHORN & PHILLIPS  
• Box 759-Kalispell, 59901

- ⑥ James A. Cumming-Box Drawer B  
Col. Falls 59912 892-4315
- ⑦ Morales, Volinkaty & Harr  
601 West Bank Bldg-Msla 59801  
543-6673 *316 Spruce*
- ⑧ Burlington Northern Law Offices  
Gary Peterson-1003 First Northwest  
Bank Center-Bldgs, Mt. 59101  
657-8388

① K.M. BRIDENSTINE Drawer 1132  
Suite C "Y" Bldg-Hwy 93 S at Rt 35  
• Polson, Mt. 59860  
883-5695

⑬ TURNAGE & MC NEIL (C.B. McNeil)  
Box 450-Polson, Mt. 59860  
883-5367

- ⑬ Sam Haddon-BOONE, KARLBERG & HADDON  
Flathead Irrigation District  
1st Nat'l Bank Bldg-,Msla, Mt. *728-257-725*

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
		<i>us pl-f</i>		JS-5	<i>5/75</i>
				JS-6	

①

DATE	NR.	PROCEEDINGS
4-5-79	1	Cover Sheet
	2	Filed Complaint. At Billings-services to be handled there.
4-10-79	-	AT Billings issued Summons. Del. Orig. plus 247 copies of S&C and 247 285's to USM-Blgs for service. (Blgs Marshal actually had them all along)
5- 9-79	3	Filed Motion to Dismiss ANACONDA ALUMINUM w/Cert of Mailing. (GLR)
5-10-79	--	LODGED Letter rec'd from Defts Nita & Walter ROBBIN. (Filed 5/15/79-#7)
5-14-79	4	Filed DEFTS Baxter, Breuer, Gardner, Gentry, Hughes, Morin, Oberlander, The Pack River Co., White's MOTION for Order granting Stay of Proceedings pending disposition of CV 77-70-M, CV 2343 & CV 75-143-M; MOTION to Dismiss and MOTION To Strike and MOTION for Extension of Time to Submit answers and claims, attached AFFIDAVIT OF F.L. INGRAHAM
	5	Filed Defts Baxter, etc. Mo/Additional Time w/n which to Present Memo in support of Motions to Stay, Dismiss, Strike and for Extension of time to file Answer and Claim made by Defts w/Cert of Mailing Doc. 4&8.
5-15-79		Lodged proposed Orders (2) submitted by Christian, McCurdy, etc. re: Motions 4 & 5. To Judge RES
	6	Filed ORDER granting Defts Baxter, etc. to 6/1/79 to file memorandum of authorities in support of motions to stay, dismiss, strike and for extension of time to file answer and claim by Defts named. Copies to counsel (4)
	7	At instance of Tim Filz, law clerk for Judge Smith, filed letter rec'd 5/10/79 from Nita & Walter ROBBIN to be treated as Motion to Dismiss. Mailed letter to Robbins indicating we have no information available as requested by them and unable to give any help in where they can obtain same.
5-16-79	8	Filed ORDER that due to great number of defts, copies of pleadings and orders shall be served and mailed only to those parties who are affected by said pleadings and orders. Copies to counsel who have appeared thus far and to Robbin, pro se deft. Will be mailed on each appearance.
5-16-79	9	Filed Motion to Dismiss EVELYN JANE SPAHR w/Cert of mailing. Copy of Order #8 to Graham.
5-17-79	10	Filed Motion to Dismiss DOROTHY & DWIGHT PRESTON w/Cert of Mlg. Copy of Order #8 handed to Holt.
5-18-79	11	Filed Motion to Dismiss RICHARD H. & LONNA G. BARNARD & PAUL V. PICKERING w/Cert of Service. C copy of Order #8 to Burlingame.
	12	Filed Appearance of James Cumming on behalf of Defts Hiram & Rose A. Torgenson Copy of Order #8 to Cumming.
	13	Filed Appearance of James Cumming on behalf of Deft City of Col. Falls
	14	Filed Appearance of Julio Morales on behalf of Defts Kenneth R. & Delene P. TUFLY w/Cert of Mailing. Copy of Order #8 handed to counsel
5-24-79		Recv'd letter from deft. Don B. Torgerson, re: Marshal service, handed copy to USM
5-25-79	15	Filed Deft. <u>Garrison Redd, Leta Redd, Steve Vuller, &amp; Helen J. Perrin</u> Motion for Order granting Stay of Proceedings, Motion to Dismiss, Motion to Strike & Motion for Extension of time to submit answers & claims w/affidavit of F.L. Ingram & cert of mail.
5-30-79	16	Filed Defts BAXTER, BREUER, GARDNER, GENTRY, HUGHES, MORIN, OBERLANDER, THE PACK RIVER CO., WHITE, REDD, VULLES & PERRIN's MOTION for Adtd'l time to Present Memo of Authorities in support of Motions to Stay, Dismiss, Strike and Extension of Time to file Answer and Claim made by Defts named and set forth in said motion w/Cert of mailing.
	17	Filed ORDER granting Defts named in Doc. 16 60 days after 6/1/79 to file said memorandum. Copies to C, MC, I & W, U.S. Atty & James Clear.
5-24-79	18	Rec'd in Judge Smith's office and filed Letter from Nita G. Robbin moving for dismissal.
	19	Filed Letter from Walter C. Robbin moving for dismissal.

1-6

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF USA	DEFENDANT ABELL	DOCKET NO. 79-33-M PAGE ___ OF ___ PAGES
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DATE	NR.	PROCEEDINGS
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*Boone, Kaskley & Hadda*

13  
+ Frank J. Martin, Jr.  
John D. Sharer  
SUTHERLAND, ASBILL & BRENNAN  
1666 K St., N.W., Suite 800  
Washington D.C. 20006  
(202) 872-7800

14  
French & Grainey  
Drawer 7  
Ronan, Mt. 59864

15  
Oleson Law Firm  
Box 1057  
Kalispell, Mt. 59901

Elsie & James Jensen  
Rt 1, Box 225  
St. Ignatius, Mt. 59865  
Pro se Defts.

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF  USA	DEFENDANT  ABELL, ET AL	DOCKET NO. 79-33-M PAGE ___ OF ___ PAGES
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DATE	NR.	PROCEEDINGS	COUNSEL
		<u>ADDITIONAL DEFTS</u>	<u>COUNSEL</u>
	10	BUCK, HOWARD	Kaufman-Phillips
	10	BUCK, PHILLIP	Kaufman-Phillips
	10	BUCK, RUSSELL	Kaufman-Phillips
	10	BUCK, SHEILA	Kaufman-Phillips
	10	BUCK, WILMA	Kaufman-Phillips
		BURGESS, DAN H,	
		BURGESS, ELVIRA	
	10	CARDA, CHARLES G.	Kaufman-Phillips
		CARDA, MARIE	Kaufman-Phillips
	13	CARLSON, DUANE A.	H. J. O'Hara
		CARLSON, KATHLEEN M.	"
	10	CASNE, EVELYN	Kaufman-Phillips
		CASNE, SAM	Kaufman-Phillips
		CHRISTENSEN, BILL	
		CHRISTENSEN, MARGLO	
	10	CLARK, ALLAN R.	Kaufman-Phillips
	10	CLOUSE, EILEEN	Kaufman-Phillips
	10	CLOUSE, JOHN	Kaufman-Phillips
	10	CITY OF COLUMBIA FALLS	Cumming
	10	CONRAD LAND & CATTLE INC.	Kaufman-Phillips
		CONRAD MEMORIAL CEMETERY ASSN.	
	10	CONRAD NATIONAL BANK	Kaufman-Phillips
		COOMBS, FRANCIS	
		COOMBS, W.R.	
		COSICK, CAROLE	
	10	COSICK, DAVID	Kaufman-Phillips
		DALEY, GLEN	
	10	DANFORD, DOROTHY	Kaufman-Phillips
		DANFORD, NEIL	Kaufman-Phillips
		DEIST, JOAN A.	
	1	DETERT, ROGER	GLR-Graham
		DETERT, ROSEMARY	GLR-Graham
		DUPUIS, DORIS J.	
		DUPUIS, LYLE L.	
		EDMISTON, JAMES G.	
		ESLICK, KATHLEEN	
	10	ESLICK, PAUL	Kaufman-Phillips
	10	EWERT, ROBERT W.	Kaufman-Phillips
		FLANSBURG, BURRELL C.	
		FLEMING LAND PARTNERSHIP	
	10	FREDENBERG, HARLEY	Kaufman-Phillips
		FRITZ, CARTER,	
		FRITZ, CHERYL R.	
		FRITZ, DUANE O.	
	10	FRITZ, EARL	Kaufman-Phillips
		FRITZ, KAREN	Kaufman-Phillips
		FRITZ, LOTELLA	Kaufman-Phillips
	10	FULBRIGHT, MAE BELL	Kaufman-Phillips
	10	FULBRIGHT, WILLIAM	Kaufman-Phillips
	10	GARDNER, ARLEE	CMcIW-F.L. Ingraham
	10	GARDNER, RICHARD	CMcIW-F.L. Ingraham

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____
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DATE	NR.	PROCEEDINGS	COUNSEL
		<u>ADDITIONAL DEFTS.</u>	<u>COUNSEL</u>
	• 22	GENTRY, GLEN	CMcIW-F.L. Ingraham
	• 23	GENTRY, SHIRLEY	CMcIW-F.L. Ingraham
	10	GRAHAM, ANNA I.	Kaufman-Phillips
	10	GRAHAM, FRANCIS	Kaufman-Phillips
	10	GRAHAM, PATRICIA	Kaufman-Phillips
	10	GRAHAM, ROBERT B..	
	10	GREGG, JOSEPHINE K.	Kaufman-Phillips
	10	GRESS, RONALD	
	• 10	GRIER, DORA A.	Kaufman-Phillips
	10	GROB, ARNOLD M.	Kaufman-Phillips
	10	GROB, CHRIS	Kaufman-Phillips
	10	GRONLEY, DALLAS	Kaufman-Phillips
	10	GRONLEY, JANE	Kaufman-Phillips
	10	GROSSWILLER DAIRY INC.	Kaufman-Phillips
	10	GUINN, RUTH	
	10	GUINN, VIRGIL	
	10	HAAG, PATRICIA	Kaufman-Phillips
	10	HAAG, PAUL	Kaufman-Phillips
	10	HAGEN, MARY ANN	Kaufman-Phillips
	10	HAGEN, NORMAN	Kaufman-Phillips
	10	HARVEY, CATHERINE W.	Kaufman-Phillips
	10	HARVEY, ROBERT F.	Kaufman-Phillips
	10	HAWKINS, DONALD D.	<i>Christra - Mrs. Caudy</i>
	10	HAWKINS, IRIS	" "
	10	HESTER, DENNIS J.	Kaufman-Phillips
	10	HODGSON, DOROTHY	Kaufman-Phillips
	10	HODGSON, MARK	Kaufman-Phillips
	• 22	HUGHES, BEVERLEY	CMcIW-F.L. Ingraham
	• 23	HUGHES, RAYMOND	CMcIW-F.L. Ingraham
	10	IVERSON, BERNIECE	
	10	IVERSON, WALTER	
	10	JACOBSON, JOLENE	
	10	JACOBSON, RONALD	
	10	JENSEN, DONALD K.	
	10	JENSEN, ELSIE	<i>pro se</i>
	10	JENSEN, JAMES	" "
	10	JENSEN, JOHN	
	10	JENSEN, GLADYS M. <i>pro se.</i>	Kaufman-Phillips
	10	JENSON, JANETTE S.	
	10	JOHNSON, DONNA	Kaufman-Phillips
	10	JOHNSON, EIVEN	Kaufman-Phillips
	10	JOHNSON, RUTH A.	Kaufman-Phillips
	10	JOHNSON, T. FLOYD	Kaufman-Phillips
	10	JOHNSON, THELMA M.	Kaufman-Phillips
	10	JOHNSON, VERNON R.	
	10	JORGENSEN, HIRAM	Cumming
	10	JORGENSEN, ROSE A.	Cumming
	10	JUMP, DARLENE	Kaufman-Phillips
	10	CITY OF KALISPELL	
	10	KALISPELL LUMBER CO.	

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PLAINTIFF		DEFENDANT	DOCKET NO. 79-33-M
USA		ABELL ET AL	PAGE ___ OF ___ PAGES

DATE	NR.	PROCEEDINGS	
		ADDITIONAL DEFTS	COUNSEL
		KALLER, ALVIN M.	
		KELLER, FRANCES	
	11	KEMP, ANNA W.	K.M. Bridenstine
	10	KEMP, DAVID R.	K.M. Bridenstine
	10	KIZER, RONALD	Kaufman-Phillips
	10	KIZER, RUTHIE	Kaufman-Phillips
	10	KNOLL, VERNON	Kaufman-Phillips
	10	KOENIG, HERBERT	Kaufman-Phillips
	10	KOENIG, ROBERT	Kaufman-Phillips
	10	KRAFT, ALMA E.	Kaufman-Phillips
	10	LAPP, GEORGE	Kaufman-Phillips
		LAPP, KATHRYN	
		LARSON, EDNA	
		LARSON, MARVIN	
		LEIGHTY, DAN	
	10	LEIGHTY, SAM	Kaufman-Phillips (also list a Herbert Leighty)
	10	LOGAN, MARGARET R.	Kaufman-Phillips
	10	LYBECK, CLEONA	Kaufman-Phillips
	10	LYBECK, JACK WILLARD	
	10	LYBECK, RAY	Kaufman-Phillips
	10	MAPSTON, CAROL SUE	CMcIW-Ingraham
	10	MAPSTON, R. WESLEY	CMcIW-Ingraham
	10	MARQUARDT, VERLAND E.	
	10	MARQUART, DEARK	
	10	STATE OF MONTANA	Mike Greely, A.G.
	10	MORIN, ALVARETTA	CMcIW-F.L. Ingraham
	10	MORIN, LEROY	CMcIW-F.L. INgraham
	10	MORIN, MELINDA	
	10	MORIN, RALF	
	10	MORRISON, FRANK	Kaufman-Phillips
	10	MORRISON, MILDRED	Kaufman-Phillips
	10	MUELLER, LAURA B.	CMcIW-Ingraham
	10	MUELLER, OSWALD	CMcIW-Ingraham
	10	MURER, MARION A.	
	10	MC CELLAND, DELLA	
	10	MC MILLAN, ELOISE F.	Kaufman-Phillips
	10	MC MILLAN, GEORGE	Kaufman-Phillips
	10	NANCE, ANN S.	
	10	NANCE, ROY L.	
	10	NELSON, EMIL	
	10	NOMMENSEN, ARNOLD T.	Kaufman-Phillips
	10	OBERLANDER, MARIAN L.	CMcIW-F.L. INgraham
	10	OBERLANDER, RAYMOND J.	CMcIW-F.L. INgraham
	10	OREM, ANNA CHARLENE	Kaufman-Phillips
	10	OREM, EVERETT GENE	Kaufman-Phillips
	10	THE PACK RIVER CO., a Corp.	CMcIW-F.L. Ingraham
	10	PARD, CLEORA	
	10	PARKER BROTHERS FARMS INC.	Kaufman-Phillips

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PLAINTIFF		DEFENDANT	DOCKET NO. _____
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DATE	NR.	PROCEEDINGS	
		<u>ADDITIONAL DEFTS.</u>	<u>COUNSEL</u>
	10	PARKER, GERALD L.	Kaufman-Phillips
	10	PEDERSON, CLYDE A.	Kaufman-Phillips
	2	PERRIN, HELEN J. <i>d prose</i>	CMCIW-FL Ingranam
	5	PICKERING, H.W.	
	5	PICKERING, PAUL V.	Burlingame
		PICKERING, V. MAXINE	
	10	PIERSON, CLYDE P.	Kaufman-Phillips
	10	PIERSON, EVELYN	Kaufman-Phillips
	10	PLUM CREEK LUMBER CO.	Burlington No. Law Offices-Peterson
	10	POKORNSKI, HELEN	Kaufman-Phillips
	10	POULSON, LOIS H.	Kaufman-Phillips
	4	PRESTON, DOROTHY	M&H-Holt
	4	PRESTON, DWIGHT	M&H-Holt
	2	REDD, GARRISON) <i>d prose</i>	Christian, McCurdy et al, F.L. Ingraham
	2	REDD, LETA	" "
		REED, ALBERT H,	
		REED, GRETA M.	
	2	ROBBIN, NITA) <i>d prose</i>	Kaufman-Phillips
	3	ROBBIN, WALTER	Pro se ANSWERED
		RODRIGUEZ, GILBERT M. M.D. /INC.	
	10	SAMPSON, DOYLE	Kaufman-Phillips
		SAMPSON, HELEN	Kaufman-Phillips
		SANDERS, PAT A.	
		SANDERS, RALPH P.	
	10	SCHANDELMEIR, CLYDE	Kaufman-Phillips
	10	SCHRADE, JOHN	
	10	SCHRADE, KARL	Kaufman-Phillips
		SCHRADE, MARIA	
		SCHULTZE, ELAINE	
		SCHULTZE, GEORGE	
		SCOTT, DELLA A.	
		SHOAL, JOHN J.	
	10	SIDERIUS, BARBARA J.	Kaufman-Phillips
	10	SIDERIUS, CHARLES	Kaufman-Phillips
	10	SIDERIUS, JEROME D.	Kaufman-Phillips
		SIMMONS, JAMES C.	
	10	SKY AIR ENTERPRISES	Kaufman-Phillips
		SLITERS, INC.	
	10	SMALL, A. HAROLD	Kaufman-Phillips
	10	SMALL, J. MILTON	Kaufman-Phillips
	10	SNELL FARM PROPERTIES INC.	Kaufman-Phillips
	10	SPAHR, EVELYN JANE	GLR-Gary Graham
	14	STOFEL, EDA J.	FRENCH & GRAINEY, <i>Sum 7, Ronan, Mt 59864</i>
	10	STREICH, NAOMI L.	
	10	STREICH, ORRIN R.	Kaufman-Phillips
	10	THOMPSON, YVONNE	
	10	TORGENSON, DAN B. <i>(Dan)</i>	Kaufman-Phillips
	10	TRACHT, HOWARD H.	Kaufman-Phillips
	10	TRACHT, LLOYD H.	Kaufman-Phillips

CIVIL DOCKET CONTINUATION SHEET

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PLAINTIFF		DEFENDANT		DOCKET NO. 77-33-M
U.S.		ABELL, et al		PAGE ___ OF ___ PAGES
DATE	NR.	PROCEEDINGS	Anna & David	
<del>6-08-79</del>	<del>34</del>	<del>Filed Praecipe entering name of K.M. Bridenstine as counsel for/Kemp</del>		
6-08-79	35	Filed Stipulation between K.M. Bridenstine, counsel for DAVID KEMP and JJ Clear, counsel for US granting deft Kemp 60 days in which to make and file response to complaint (Doc. 8 to counsel)		
6-13-79	36	Filed Defts JOHN A. & BARBARA BOWER's Motion to Dismiss w/Cert of Mlg.		
	37	Filed Deft STATE OF MONTANA's Motion for stay of discovery pending disposition of State's Motion to Dismiss w/Cert of Service		
	38	Filed Deft STATE OF MONTANA's Memorandum in support of Mo/Stay w/Cert of Mailing. (Doc. 37)		
6-15-79	39	Filed Motion and ORDER granting Defts City of Col. Falls & Jorgenson to 6/15/79 to file brief in support of motion to dismiss. Copies to counsel Clear & Cummings (Doc #22-)		
6-18-79	40	Filed ORDER of disqualification on part of Russell Smith and transferring case to Hon. Paul G. Hatfield for all further proceedings. Copy to all parties who have appeared in this case, Judge Hatfield, Clerk's offices GF, Blgs & Butte.		
6-19-79	41	Filed Consolidated Motions of LAURA B. & OSWALD MUELLER adopting as their own all motions filed by Defts Baxter, Breuer, etc, rept. by Christian, McCurdy, Ingraham & Wold and being Documents #4,5,6,15, 16,17,27 w/Cert of Service.		
6-21-79	42	Filed US's Opposition to State of Montana's Motion to Stay Discovery (Doc. # 37 & 38) w/Cert of Service.		
6-22-79	--	Mailed file and docket sheets to G.F. by cert. mail.		
6-29-79	43	Filed US Response to Consolidated Motions of Defts Charles Baxter, Lila Baxter, Herbert A. Breuer, Richard Gardner, Arlee Gardner, Glen Gentry, Shirley Gentry, Raymond Hughes, Beverly Hughes, Carol Sue Mapston, R. Wesley Mapston, Leroy Morin, Alvaretta Morin, Raymond J. Oberlander, Marian L. Oberlander, The Pack River Co, Corp., Helen J. Perrin, Laura Mueller, Oswald Mueller, Garrison Redd, Leta Redd, Steve Vulles, Clayton White, & Gail White.		
6-29-79	44	Filed <u>ANSWER</u> of deft Gladys Jenson ✓		
6-29-79	45	Filed <u>ANSWER</u> of deft Helen J. Perrin ✓		
6-29-79	46	Filed <u>ANSWER</u> of defts Elsie V. & James B. Jenson ✓		
6-29-79	47	Filed <u>ANSWER</u> of deft Mrs. Arthur B. Whitney ✓		
6-29-79	48	Filed <u>ANSWER</u> of deft Charles E. Trush, M.D. ✓		
6-29-79	49	Filed <u>ANSWER</u> of defts Garrison & Leta Redd ✓		
6-29-79	50	Filed <u>ANSWER</u> of defts Walter C. & Nita G. Robbin ✓		
6-29-79	51	Filed <u>ANSWER</u> of defts Norman & Florence Borgen ✓		
7-3-79	52	Filed Order - all proceedings in this case are stayed until further order of the Court. However the Clerk of Court is directed to continue to issue Summons against any defts. Copy of Order mailed to Counsel of record.		
7-11-79	53	Filed Deft Eda J. Stofel Motion to Dismiss w/Notice of Motion & cert of svc.; copy of Doc. #52 mailed to counsel		
7-19-79	54	Filed Mot. of the Flathead, Mission, & Jocko Valley Irrigation District to Intervene as Defendants w/cert of svc		
7-19-79		Lodged Order granting intervention of Flathead, Mission & Jocko Valley Irrigation Districts as defts.		
8-1-79	55	Filed Summons w/USM 285 on following defts & dates of svc: Anaconda Aluminum-svc 4-19-79; The Pack River Co., A Corp.-svc 4-19-79; Walter Iverson-svc 6-3-79; Berniece Iverson-svc 6-3-79; Gilbert M. Rodriguez, M.D.-svc 7-13-79; TOWN OF DAYTON: Glen Daley-svc 5-10-79; Ruth Guinn, Virgil Guinn, Donald D. & Iris Hawkins-svc 7-27-79; TOWN OF PROCTOR: Barbara J. & John Bower-svc 5-10-79; Iris Hawkins-svc 7-27-79;		



CIVIL DOCKET CONTINUATION SHEET

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PLAINTIFF USA	DEFENDANT Abell, et al	DOCKET NO. CV-79-33-M PAGE ___ OF ___ PAGES
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DATE	NR.	PROCEEDINGS
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		<p>Cleora Park-lives at Star Rt., Glen Arbor, Mich; TOWN OF HOT SPRINGS: Charles &amp; Lila Baxter, Bill &amp; Marglo Christensen, Beverley &amp; Raymond Hughes, Jolene &amp; Ronald Jacobson, David R. Kemp, et al, Marian L. &amp; Raymond J. Oberlander, Helen J. Perrin, Dorothy &amp; Dwight Preston, Clayton &amp; Gail White-svc 4-26-79; TOWN OF COLUMBIA FALLS: Florence &amp; Norman Borgen, Beulah &amp; Howard Buck, Duane A. &amp; Kathleen M. Carlson, City of Columbia Falls, Mary Ann &amp; Norman Hagen, Dorothy &amp; Mark Hodgson, Hiram &amp; Rose A. Jorgenson, Ronald &amp; Ruthie Kizer, George &amp; Kathryn Lapp, Edna &amp; Marvin Larson, Anna Charlene &amp; Everett Gene Orem, Plum Creek Lumber Co., Doyle &amp; Helen Sampson, John J. Shoal, James &amp; Sharon Ward, &amp; Barbara L. &amp; Will S. Warner-svcd 5-3-79</p> <p>CITY OF KALISPELL: Phillip Buck, dec, Wilma Buck, Harley Fredenberg, Carter, Cheryl, Earl &amp; Lotella Fritz, Patricia &amp; Paul Haag, Dan &amp; Sam Leighty, Lois H. Poulson, Karl Schrade, Mae Weimar-svc 5-4-79; Josephine K. Gregg, Ronald M. Gress, Arnold M. Grob, Dallas &amp; Jane Gronley, Helen Pokornski, Allen &amp; Ramond Zimmerman-svc 5-8-79; Ethel Borgen, Ted Borgen, Charles G. &amp; Marie Carda, Evelyn &amp; Sam Casne, Carole &amp; David Cosick, Robert W. Ewert, Duane O. &amp; Karen Fritz, Anna I. &amp; Francis Graham, Patricia Graham, Grosswiller Dairy, Inc., Catherine W. &amp; Robert F. Harvey, Gladys M. Jenson, Thelma M. &amp; Vernon R. Johnson, Darlene Jump, Herbert &amp; Robert Koenig, Margaret R. Logan, Cleona &amp; Ray Lybeck, Verland E. Marquardt, Frank &amp; Mildred Morrison, Eloise F. &amp; George McMillan, Arnold T. Nommensen, Clyde A. Pederson, Clyde P. Pierson, Evelyn Pierson, Albert H. &amp; Greta M. Reed, James C. Simmons, A. Harold Small, Snell Farm Properties, Inc., James W. Treweek, Charles E. &amp; Ruth R. Trush, Harold A. Tutvedt, Paul &amp; Paul R. Tutvedt, Harold F. Yeager-svcd 5-9-79; City of Kalispell, Grace &amp; William Weiferich-5-10-79; Neil Danford-svc 5-15-79; Russell Buck, Allan R. Clark, Eileen Clouse, John Clouse, Conrad Land &amp; Cattle, Inc., Conrad Memorial Cemetery Assoc., Conrad National Bank, Joan A. Deist, James G. Edmiston, Chris Grob, Dennis J. Hester, Kalispell Lumber Co., Vernon Knoll, Alma E. Kraft, Mark Marquart, Marion A. Murer, Pat A. &amp; Ralph P. Sanders, Elaine &amp; George Schultze, Charles C. White &amp; Marian J. White-svc 5-30-79; Eileen Askelson, Barbara J. Siderius, Charles Siderius, Jerome D. Siderius, Howard H. &amp; Lloyd H. Tracht-svc 5-31-79; Robert B. Graham-svc 6-12-79 &amp; Mary Dene Stocking Ward-svc 7-13-79, Ed Askelson-svc 5-31-79; Sheila Buck-svc 5-30-79; Della McClland-svc 5-9-79; J. Milton Small-svc 5-24-79; TOWN OF THOMPSON FALLS: Steve Vuller-4-27-79; TOWN OF DIXON: Herbert P. Breuer-svc 4-26-79; Delene P. &amp; Kenneth R. Tufly-4-27-79; TOWN OF PLAINS: Paul V. Pickering-svc 4-27-79; TOWN OF PABLO: Francis &amp; W.R. Combs-svc 6-14-79; Fleming Land Partnership-no such partnership; TOWN OF RONAN: Laura B. Mueller &amp; Oswald Mueller-svc 6-11-79, Eda J. Stofel-svc 6-11-79; TOWN OF KILA: Janette S. &amp; John Jensen-svc 5-31-79; TOWN OF HELENA: State of Montana-svc 5-2-79; TOWN OF SOMERS: Sliters, Inc.-svc 5-2-79; TOWN OF SWAN LAKE: Garrison &amp; Leta Redd-svc 5-2-79; TOWN OF MISSOULA: Della A. Scott &amp; Annabelle Morin Zahn-svc 5-2-79; TOWN OF ST. IGNATIUS: Roger &amp; Rosemary Detert, Elsie &amp; James Jensen, &amp; Alicia Whitman-svc 5-2-79; TOWN OF BIG FORK: Kathleen &amp; Paul Eslick, Eiven &amp; Donna Johnson, Parker Bros. Farms, Inc., Gerald L. Parker, Nita &amp; Walter Robbin, Clyde Schandelmeir, Dan B. Jorgenson, &amp; Mrs. Art Whitney-svc 5-2-79; Dora A. Grier-svc 5-10-79; TOWN OF ARLEE: Carol Sue &amp; R. Wesley Mapston-svc 4-30-79; Arlee &amp; Richard Gardner, Glen Gentry, Shirley Gentry, Alvaretta &amp; Leroy Morin, Melinda &amp; Ralf Morin &amp; Evelyn Jane Spahr-svc 5-2-79 (Ralf Morin Deceased)</p>
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Danford---

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF  USA	DEFENDANT  ABELL, ET AL	DOCKET NO. <u>79-33-M</u> PAGE ___ OF ___ PAGES
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DATE	NR.	PROCEEDINGS	COUNSEL
		<u>ADDITIONAL DEFTS</u>	<u>COUNSEL</u>
	10	TREWEEK, JAMES W.	Kaufman-Phillips
	10	TRUSH, CHARLES E. ) <i>d prose</i>	Kaufman-Phillips
	10	TRUSH, RUTH R.	Kaufman-Phillips
	10	TUFLY, DELENE P.	Morales
	10	TUFLY, KENNETH R.	Morales
	10	TUTVEDT, HAROLD A.	
	10	TUTVEDT, PAUL	Kaufman-Phillips
	10	TUTVEDT, PAUL R.	Kaufman-Phillips
	10	VAN ARKEN GARDENS INC.	
	10	VULLES, STEVE	CMcIW, F.L. Ingraham
	10	WAGNER, EMMA	Kaufman-Phillips
	10	WARD, JAMES	Kaufman-Phillips
	10	WARD, MARY DENE STOCKING	<i>Tunase McNeil, Box 450, Polson, mt 59860</i>
	10	WARD, SHARON	Kaufman-Phillips
	10	WARNER, BARBARA L.	Kaufman-Phillips
	10	WARNER, WILL S.	Kaufman-Phillips
	10	WEIFERICH, GRACE	Kaufman-Phillips
	10	WEIFERICH, WILLIAM	Kaufman-Phillips
	10	WEIMAR, MAE	Kaufman-Phillips
	10	WENDT, NORMAN E.	Kaufman-Phillips
	10	WHITE, CHARLES C.	
	10	WHITE, CLAYTON	CMcIW-F.L. INgraham
	10	WHITE, GAIL	CMcIW-F.L. Ingraham
	10	WHITE, MARIAN J.	
	10	WHITMAN, ALICIA	
	10	WHITNEY, MRS. ART ) <i>d prose</i>	Kaufman-Phillips
	10	WHITNEY, MAUDE B. ) <i>to serve?</i>	Kaufman-Phillips
	10	YEAGER, HAROLD F.	Kaufman-Phillips
	10	ZAHN, ANNABELLE MORIN	Kaufman-Phillips
	10	ZIMMERMAN, ALLEN	Kaufman-Phillips
	10	ZIMMERMAN, RAMOND	Kaufman-Phillips
		NEW DEFTS BY ORDER 8-3-79	
		FLATHEAD, MISSION & JOCKO VALLEY IRRIGATION DISTRICTS	Boone, Karlberg & Haddon 1st Nat'l Bank Bldg, Missouls, MT.  Sutherland, Asbill & Brennan 1666 K St., NW, Suite 800 Washington, D.C. 20006

*165 App.*

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-3-7-78

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PLAINTIFF		DEFENDANT	DOCKET NO. <u>79-33-M</u>
USA		ABELL, et al	PAGE ___ OF ___ PAGES
DATE	NR.	PROCEEDINGS	
5-29-79	20	Filed Defts ROGER & ROSEMARY DETERT's Motion to Dismiss w/Cert of Svs.	
5-31-79	21	Filed Letter from Dora A. Grier going on record as opposing suit	
6-04-79	22	Filed Deft PLUM CREEK LUMBER CO's Motion to Dismiss w/Cert of Service. Copy of Order #8 mailed to counsel	
6-01-79	23	Filed State of Montana's Motions for Extension of time to file Answer and Prohibiting Entry of Defaults w/Cert of Mailing	
6-04-79	24	Filed <u>ORDER</u> granting Deft State of Montana until 7/31/79 to file Answer or Motions and <u>prohibiting Plf from entering default against any Deft w/o first having notified Deft State of Montana about proposed entry of default.</u> Copies to O'Leary, Moorman & Greely. (Inquiry of Judge Smith- no need to mail to all parties.) Order #8 to Greeley	
	25	Filed Defts CITY OF COL. FALLS, HIRAM AND ROSE JORGENSEN's Motion for Dismissal for Nonjoinder of Parties or in alt to implead all parties whose joinder is indispensable	
	26	Filed Affidavit of James Cumming re: Motion to Dismissal for nonjoinder w/Cert of Service.	
6-06-79	27	Filed Defts MAPSTON's Consolidated Motions adopting as their own all consolidated motions filed by this firm on behalf of Baxter, et al being Doc. #4,5, (Order #6) 15, 16 (ORDER #17) w/Cert of Mailing.	
6-05-79	--	Lodged copies of stipulation and ORDER extending time for defts to Answer to 8/31/79. Hold per letter for stipulation to arrive from U.S. Atty. (To Judge RES)	
6-06-79	28	Filed Motion on behalf of all defts rept'd by Murray, Kaufman, etc and Murphy, Robinson, Heckathorn & Phillips jointly for enlargement of time for defts to answer complaint	
	29	Filed Stipulation signed by US Atty and counsel rept'g defts in Document #28 for enlargement of time to answer complaint (To Judge RES)	
6-07-79	--	Lodged Motion and ORDER granting Defts City of Col. Falls & Jorgenson time to file brief in support of Mo/Dismiss. To Judge RES.	
	30	Filed Govt's Opposition to Defts BARNARD & PICKERING's Motion to Dismiss w/Cert of Service. (Doc. 11)	
	31	Filed Govt's Opposition to Deft ANACONDA ALUMINUM's Mo/Dismiss w/Cert of Service. (Doc. 3)	
	32	Filed Govt's Opposition to Deft SPAHR's Mo/Dismiss w/Cert of Service. (Doc. 9)	
	33	Filed Stipulation signed by Atty, Dept. of Justice and counsel for Flathead, Mission and Jocko Valley Irrigation Districts of Flathead Irrigation Project, Montana to effect that regardless of when served, no person named or to be hereafter named as a defendant in this matter who is or may hereafter be identified as a water user within the Flathead, Mission or Jocko Valley Irrigation Districts served by the Flathead Irrigation Project shall be required to answer move or otherwise plead until further notice, said notice not to be given by plaintiff earlier than 60 days after completion of service on all parties now or hereafter named as defts. in this case. To Judge RES for decision on transfer since Boone, Karlberg & Haddon have entered case.	
6-07-79	--	Lodged Motion and proposed ORDER for extension of time for Defts City of Col. Falls & Jorgenson to file brief in support of Mo/Dismiss	
6-08-79	--	Lodged Letter from US Dept of Justice with attachments from Don Torgerson and Howard Buck which JJ Clear, Atty for Dept of Justice thinks might be their answers to the complaint. Tim says just lodge.	

CIVIL DOCKET CONTINUATION SHEET

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PLAINTIFF		DEFENDANT	DOCKET NO. V-79-33-M
USA		Abell, et al	PAGE ___ OF ___ PAGES
DATE	NR.	PROCEEDINGS	
		TOWN OF WHITEFISH: Donald K. Jensen, Van Arken Gardens, Emma Wagner, Norman E. Wendt-svc 5-3-79; Naomi L. & Orrin R. Streich-svc 5-4-79; TOWN OF PARADISE: Lonna G. & Richard H. Barnard; Dan H. & Elvira Burgess & Yvonne Thompkins-svc 4-27-79.	
8-2-79	56	Filed deft Mary Dene Stocking Ward's Motion to Dismiss w/cert of svc	
8-3-79	57	Filed US Response to Irrigation District Motion to Intervene w/cert of svc.	
8-3-79	58	Filed ORDER Motion of the Flathead, Mission & Jocko Valley Irrigation Districts of the Flathead Irrigation Project, Montana to Intervene as Defts is hereby granted; and the said Districts are admitted as defts in this action and may fully participate as parties to the said action, and, the response of the Districts shall be stayed in accordance with the General Order of this Crt dated 3rd day of July, 1979. Copies of Order mailed to all counsel of record.	
9-19-79	59	Filed Appearance of Christian, McCurdy, Ingraham & Wold for defts Donald D. & Iris Hawkins w/cert of svc	
9-26-79	60	Filed Motion to Dismiss by Deft Duane A. Carlson, w/cert of svc	
9-26-79	61	Filed deft Kathleen M. Carlson's Motion to Dismiss w/cert of svc	
11-29-79	62	Filed Memorandum and Order signed by Judges Battin & Hatfield dismissed action on the basis of wise judicial administration, giving regard to conservation of judicial resources and comprehensive disposition of litigation. Copies will be provided of memo and judgment by Billings for mailing to all counsel and pro se defts and parties. J/O Vol. III, Pg. 203	
	63	Filed and Entered Judgment (at Billings) dismissing case in accordance with Memorandum and Order. J/O Vol. III, Pg. 203	
12-04-79	--	At Missoula mailed copies of Memorandum and Order & Judgment to the following counsel or persons appearing pro se in this action: Clear, Mooreman; Garlington, Lohn & Robinson; Christian McCurdy, Ingraham & Wold; Murray & Holt; Claude I. Burlingame; James A. Cumming; Morales, Volinkaty & Harr; Burlington No. Law Offices; Mike Greely; Boone, Karlberg & Haddon; Robert T. O'Leary; Murray, Kaufman, Gordon and Vidal; Murphy, Robinson, Heckathorn & Phillips; K.M. Bridenstine; Turnage & McNeil; Frank J. Martin, Jr. & John D. Sharer; H.J. Oleson; French & Grainey; Joe Roberts; Nita & Walter Robbin; Gladys Jenson; Helen J. Perrin; Elise & James Jenson; Maude (Mrs. Arthur) Whitney; Chas & Ruth Trush; Garrison & Leta Redd; Norman & Florence Borgen.	
		Mailed copy of Memorandum & Order to Flathead Courier, Polson, w/bill for \$3.50	
1-25-80	64	At Butte filed NOTICE OF APPEAL w/copies for all parties who have appeared in this action. Mailed copy of N of A to Court of Appeals together with docket sheets. Mailed copies of N/A to the following parties or counsel on behalf of appearing parties together with Notice to Appellant. James J. Clear & James W. Mooreman; Robert T. O'Leary; Murray, Kaufman, Gordon & Vidal; Murphy, Robinson, Heckathorn & Phillips; K. M. Bridenstine; Turnage & McNeil; Garlington, Lohn & Robinson; Christian, McCurdy, Ingraham & Wold; Murray & Holt; Claude I. Burlingame; James A. Cumming; Morales, Volinkaty & Harr; Burlington Northern Law Offices; Mike Greely, A.G.; Boone, Karlberg & Haddon; Sutherland, Asbill & Brennan, all counsel of record and Elsie & James Jensen, appearing pro se. Also French & Grainey & Oleson Law Firm.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>79-33-M</u>
USA		ABELL, et al	PAGE ___ OF ___ PAGES
DATE	NR.	PROCEEDINGS	
1-31-80	65	Filed AMENDED NOTICE OF APPEAL. Mailed copies to all parties and counsel listed under mailing of N/A (19) together with US Court of Appeals.	
2-20-80	--	Ent. record of call to U.S. Atty O'Leary concerning filing of either designation of reporter's transcript or indication that none will be ordered. He indicates that none will be ordered since there was no hearing but will file official indication of that.	
3-07-80	--	Ent. record of call from Diane Thormahlen, Blgs office, to effect that Court of Appeals has advised her that all water cases named in Order disposing of same will be consolidated; one cert. of record to be filed and one record sent. Cases will be consolidated in Billings and handled by them.	
	--	Mailed case file and docket sheet to Blgs.	
4-30-80	66	Filed Non-Designation of Record w/cert. of svc.	
5-1-80	67	Filed Non-Designation of Record w/cert. of svc.	
5-7-80	68	Filed Non-Designation of Record w/cert. of svc.	
5-7-80	69	Filed Non-Designation of Record w/cert. of svc.	
5-9-80	70	Filed Non-Designation of Record w/cert. of svc.	
5-30-80	71	Filed Non-Designation of Record w/cert. of svc.	
5-14-80	72	Filed Non-Designation of Record w/cert. of svc.	
5-14-80	73	Filed Non-Designation of Record w/cert. of svc.	
5-13-80	74	Filed Non-Designation of Record w/cert. of mailing.	
5-13-80	75	Filed Non-Designation of Record w/cert. of mailing.	
5-19-80	76	Filed Non-Designation of Record w/cert. of mailing.	
5-23-80	77	Filed Non-Designation Letter of 5-16-80 from Mr. French.	
6-6-80	78	Filed ORDER from 9th Circ. Court of Appeals. United States, appellant in the above-entitled cases, is hereby GRANTED an ext. of time to & incl. June 24, 1980, to file its brief.	
6-27-80	79	USA's Designation of Record Rec'd. Filed in CV 75-6-BLG.	
6-30-80	80	Filed Crow Tribe's Designation of Record.	
8-22-80		Mailed cert. cy. of Record on Appeal to 9th Circ. Court of Appeals w/Notice to participating counsel of record.	
7-28-80	81	Filed State of Montana's Designation of Record w/cert. of svc.	
3-22-82	82	Filed Dup.Orig. JUDGMENT from 9th Circuit w/Opinion atchd, that the Judgment of the Dist. Crt is reversed. Cpys of judgment mailed to counsel of record.	
4-1-82	83	Filed cert cpy of AMENDED MANDATE TO INCLUDE COSTS w/cpy of bill of costs atchd.	
4-13-82	84	Filed Order Clarifying Opinion from 9th Circuit C/A.	
1-31-84	85	Filed ORDER that this Crt's judgment dismissing the above-entitled cases is vacated. FURHTRE ORDERED that proceedings inthis crt are stayed pending the conclusion of related state crt proceedings, or further order of this crt. Cpys sent to all cnsl.	

Updated LIST of all CONSOLIDATED CASES

75-6-BG  
75-20-BG

79-21  
79-22 Reid Payton  
79-33-M  
79-40-BG

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