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COUNSEL FOR INTERVENOR - DEFENDANT

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

CONFEDERATED SALISH AND
KOOTENAI TRIBES,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
INTERIOR SECRETARY SARAH
"SALLY" JEWELL; UNITED STATES
BUREAU OF INDIAN AFFAIRS; JOCKO
VALLEY IRRIGATION DISTRICT;
MISSION IRRIGATION DISTRICT;
FLATHEAD IRRIGATION DISTRICT;
DISTRICT COURT FOR THE
TWENTIETH JUDICIAL DISTRICT OF
MONTANA; MONTANA WATER
COURT; MICHAEL G. MCLATCHY,
BLANCHE CREPEAU, and ALEX
CREPEAU; JUDY HARMS and ROBERT
HARMS; BETTY A. STICKEL; and AN
UNKNOWN NUMBER OF JOHN DOE
DEFENDANTS CLAIMING FIIP
IRRIGATION WATER AS A PERSONAL
WATER RIGHT,

Defendants.

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

**MONTANA ATTORNEY
GENERAL'S MOTION FOR
LEAVE TO INTERVENE**

The Montana Attorney General (“the Attorney General”) moves for leave to intervene, pursuant to Fed. R. Civ. P. 24 (a) and 24(b), for the limited purpose of moving for dismissal of this case. There is no express or implied waiver of sovereign immunity by virtue of this limited intervention. *See Southwest Ctr. for Biological Diversity v. United States Bureau of Reclamation*, 143 F.3d 515, 519-20 (9th Cir. 1998) (recognizing state interest in intervening for purpose of seeking dismissal); *see also Zych v. Wrecked Vessel Believed to be Lady Elgin*, 960 F.2d 665, 667-68 (7th Cir. 1991) (a federal court has authority to entertain a motion to intervene for the limited purpose of seeking dismissal). In filing this motion to intervene and memorandum in support, the Attorney General does not waive the State of Montana’s sovereign immunity from suit or consent to be sued with regard to any issue or claim now or hereafter presented in this case or otherwise, and expressly reserves its sovereign immunity from suit.

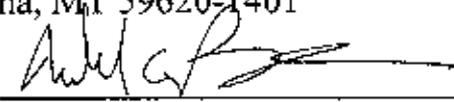
This motion is supported by Intervenor-Defendant Montana Attorney General’s Memorandum in Support of Motion to Intervene. Pursuant to LR 24.1(b)(3)(B), the proposed motion to dismiss and proposed memorandum in support are attached as Exhibits 1 and 2 respectively.

Pursuant to Local Rule 7.1(c)(1), the other parties who have appeared in this action have been contacted. Plaintiff objects to this motion. Defendants Montana Water Court, Twentieth Judicial District Court, Harms, and Stickels consent to the

motion. The remaining Defendants either take no position or have not returned phone messages regarding their position.

Respectfully submitted this 22nd day of May, 2014.

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By: 
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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing document to be mailed, first class postage paid, to:

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Dated: May 22, 2014



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