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*Attorneys for Defendant/Appellant
Montana Department of Environmental Quality*

FILED

MAR 26 2018

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA,

Supreme Court Cause No. DA 18-0110

MONTANA ENVIRONMENTAL
INFORMATION CENTER and
SIERRA CLUB,

Plaintiffs and Appellees,

v.

MONTANA DEPARTMENT OF
ENVIRONMENTAL QUALITY,

Defendant and Appellant

and

WESTERN ENERGY COMPANY,

Defendant/Intervenor and Appellant.

NOTICE OF APPEAL

NOTICE is given that the Montana Department of Environmental Quality (DEQ), an Appellant above-named and the Defendant in Cause No. CDV 2012-1075, First Judicial District Court in and for the County of Lewis and Clark, hereby appeals to the Supreme Court of the State of Montana from the final judgment or order entered in such action on January 25, 2018.

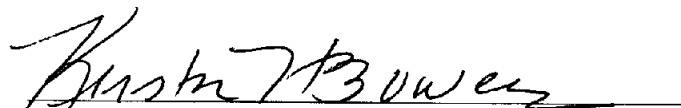
DEQ is appealing the First Judicial District Court's *Memorandum and Order on Judicial Review* dated March 14, 2016, denying DEQ's motion for summary judgment.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is not subject to the mandatory appellate alternative dispute resolution process required by M.R.App P. 7.
2. That this appeal is not an appeal from an order certified as final under M.R.Civ.P. 54(b).
3. That the notice required by M.R.App. P. 27 has been or will be given, within eleven (11) days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.
4. That all available transcripts of the District Court proceedings in this cause have been ordered by Appellant Western Energy Company.
5. That Appellant is an agency of the State of Montana and not subject to the \$100 filing fee.

DATED this 26th day of March, 2018.

Montana Department of Environmental Quality

A handwritten signature in black ink, appearing to read "Kirsten H. Bowers", written over a horizontal line.

Kirsten H. Bowers
Special Assistant Attorney General
Attorney for Defendant/Appellant
Montana Department of Environmental Quality

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of March, 2018, I served a true and correct copy of the foregoing NOTICE OF APPEAL, by first class mail, postage prepaid to the following:

Shiloh Hernandez
Matthew Bishop
Laura King
Western Environmental Law Center
103 Reeder's Alley
Helena, MT 59601

*Attorneys for Plaintiff/Appellees Montana Environmental
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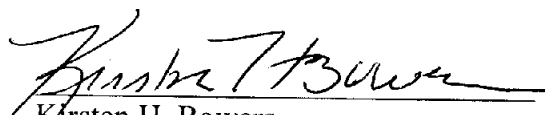
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By:



Kirsten H. Bowers

Attorney for Montana DEQ