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Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 21-0079

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Clerk of Supreme Court
State of Montana

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IN THE SUPREME COURT OF THE STATE OF MONTANA
No. DA 21-0079

EAST BENCH IRRIGATION DISTRICT;
UNITED STATES OF AMERICA (Bureau of Land Management),
Claimants/Appellees

EAST BENCH IRRIGATION DISTRICT;
POINT OF ROCKS ANGUS RANCH INC.,
Objectors/Appellees

MADISON VALLEY GARDEN RANCH, LLC,
Counterobjector

OPEN A RANCH, INC.,
Counterobjector/Appellant

GEODUCK LAND & CATTLE, LLC;
SMITH'S ELK MEADOWS RANCH, LLC,
Notice of Intent to Appear/Appellees

BAR J RANCH; DAVID E. & SHELLI SCHUETT; BALDY VIEW
ENTERPRISES, LLC; WILLIAM C. MANCORONAL; ROXANNE E.

MANCORONAL; JUSTICE D. DEVERS; WILLIAM R. GROSE; POINT OF
ROCKS ANGUS RANCH, INC.; CLARK CANYON WATER SUPPLY,
Intervenors/Appellees

On Appeal from Montana Water Court Case No. 41B-0265-P-2015

**UNOPPOSED JOINT MOTION BY APPELLEES
THE UNITED STATES, EAST BENCH IRRIGATION DISTRICT, AND
CLARK CANYON WATER SUPPLY COMPANY FOR 30-DAY
EXTENSION OF TIME UP TO AND INCLUDING JULY 21, 2021
FOR FILING APPELLEE BRIEFS**

Pursuant to Mont. R. App. P. 26(1), Claimant/Appellee the United States, and Claimant/Appellee East Bench Irrigation District (“EBID”) and Intervenor/Appellee Clark County Water Supply Company (“CCWSC”), respectfully ask this Court for a 30-day extension of time, up to and including July 21, 2021, within which to file their answering briefs. The opening brief of Objector/Appellant Open A Ranch, Inc. (“Open A”) was filed and served, after one 30-day extension of time, on May 21, 2021. Absent extension, answering briefs would be due on June 21, 2021. This is the first extension request by Appellees the United States or by EBID and CCWSC.

In this appeal, Open A challenges a Water Court judgment and decree of a diversionary water right for the United States and EBID (41B 40850-00) and a storage water right for the United States (41B 40854-00), which the United State holds for the benefit of EBID and CCWSC. EBID and CCWSC are jointly

represented by undersigned counsel, William C. Fanning. The United States and EBID/CCWSC filed separate briefs below and intend to file separate answering briefs in this appeal.

Undersigned counsel for the United States, John L. Smeltzer, is newly assigned to this case, specifically for purposes of this appeal. Due to other professional obligations, Mr. Smeltzer has not yet had time to study the record or issues in the case, and reasonably needs an additional 30-days time to prepare and file the United States' answering brief. Similarly, due to other professional obligations, Mr. Fanning reasonably needs an additional 30-days time to file the answering brief for EBID and CCWSC.

Undersigned counsel have contacted counsel for Appellant Open A Ranch and counsel for the other parties of record. No party objects to the requested 30-day extension.


For the foregoing reasons, Appellees the United States, EBID, and CCWSC respectfully request a 30-day extension of time, up to and including July 21, 2021, within which to file their answering briefs.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was served by electronic mail (to be followed by United States mail upon request) to counsel for each of the parties as set forth below, on this 8th day of June 2021.

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