

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. _____

MONTANA TROUT UNLIMITED,
TROUT UNLIMITED, MONTANA
ENVIRONMENTAL
INFORMATION CENTER,
EARTHWORKS, and
AMERICAN RIVERS,

Appellants,

v.

MONTANA DEPARTMENT OF
NATURAL RESOURCES AND
CONSERVATION and TINTINA
MONTANA, INC.,

Appellees.

NOTICE OF APPEAL

NOTICE is hereby given that Montana Trout Unlimited, Trout Unlimited, Montana Environmental Information Center, Earthworks, and American Rivers, the appellants named above who were the petitioners in the cause of action filed in the Fourteenth Judicial District, in and for Meagher County, as Cause No. DV-2022-09, hereby appeal to the Supreme Court of the State of Montana from the final order entered in such action on the 12th day of April, 2023.

THE APPELLANTS FURTHER CERTIFY:

1. That this appeal is not subject to the mediation 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 notice of appellants' constitutional challenge is not required by M. R. App. P. 27, as a state agency—the Department of Natural Resources and Conservation—is already a party to this case.

4. That no transcripts have been ordered from the court reporter, as the district court resolved appellants' challenge without a hearing.

5. That included herewith is the filing fee prescribed by statute.

Respectfully submitted this 12th day of May, 2023.



Sean Helle
Jenny Harbine
Benjamin Scrimshaw
Earthjustice
P.O. Box 4743
Bozeman, MT 59772-4743
(406) 586-9699 | Phone
shelle@earthjustice.org
jharbine@earthjustice.org
bscrimshaw@earthjustice.org

Patrick Byorth
Megan Casey
Trout Unlimited, Inc., Montana Water Project
321 East Main St., Ste. 411
Bozeman, MT 59715-4797
(406) 599-8666 | Phone
patrick.byorth@tu.org
megan.casey@tu.org

CERTIFICATE OF SERVICE

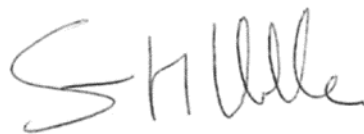
I hereby certify that I have filed a true and accurate copy of the foregoing Notice of Appeal with the Clerk of the Montana Supreme Court. I have also served true and accurate copies of the notice upon the Clerk of the District Court and each attorney of record in the above-referenced District Court action, as follows:

Candi Richardson
Clerk of District Court
P.O. Box 443
White Sulphur Springs, MT 59645
Candi.Richardson@mt.gov

Brian Bramblett
Molly Kelly
Montana Department of Natural Resources and Conservation
1539 11th Avenue
P.O. Box 201601
Helena, MT 59620-1601
bbramblett@mt.gov
molly.kelly2@mt.gov

W. John Tietz
Hallee C. Frandsen
Browning, Kaleczyc, Berry & Hoven, P.C.
P.O. Box 1697
Helena, MT 59624-1697
john@bkbh.com
hallee@bkbh.com

Dated this 12th day of May, 2023.



Sean Helle
Earthjustice

CERTIFICATE OF SERVICE

I, Sean M. Helle, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Appeal to the following on 05-12-2023:

Patrick Arthur Byorth (Attorney)
321 E. Main Street, Suite 411
Bozeman MT 59715
Representing: Montana Trout Unlimited, Trout Unlimited
Service Method: eService

Benjamin James Scrimshaw (Attorney)
313 East Main Street
Bozeman MT 59715
Representing: Montana Trout Unlimited, Trout Unlimited, Montana Environmental Information Center, Earthworks, American Rivers
Service Method: eService

Jenny Kay Harbine (Attorney)
313 E Main St
Bozeman MT 59715
Representing: Montana Trout Unlimited, Trout Unlimited, Montana Environmental Information Center, Earthworks, American Rivers
Service Method: eService

Megan Casey (Attorney)
321 E. Main St. No. 411
Bozeman MT 59715
Representing: Montana Trout Unlimited, Trout Unlimited
Service Method: eService

Molly Kelly (Govt Attorney)
1539 11th Ave.
Helena MT 59620
Representing: Montana Dep. of Natural Resources and Conservation
Service Method: eService

Brian C. Bramblett (Govt Attorney)
PO Box 201601
helena MT 59620-1601
Representing: Montana Dep. of Natural Resources and Conservation

Service Method: eService

Hallee C. Frandsen (Attorney)
PO Box 1697
801 N. Last Chance Gulch, Ste. 101
Helena MT 59624
Representing: Tintina Montana, Inc.
Service Method: eService

William John Tietz (Attorney)
800 N. Last Chance Gulch
Helena MT 59601
Representing: Tintina Montana, Inc.
Service Method: eService

Electronically Signed By: Sean M. Helle
Dated: 05-12-2023