

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 08-0134

FILED

OCT -1 2008

Ed Smith

CLERK OF THE SUPREME COURT
STATE OF MONTANA

UNITED STATES OF AMERICA, Department
of Agriculture, Forest Service,

Objector and Appellee,

v.

BIG CREEK LAKES RESERVOIR
ASSOCIATION,

Claimant and Appellant.

ORDER

FILED

OCT 08 2008

Montana Water Court

Appellant Big Creek Lakes Reservoir Association, whose opening brief was due on or before September 8, 2008, has moved to dismiss its appeal. The other parties to the appeal have been served and have filed no opposition to the request. Good cause appearing,

IT IS HEREBY ORDERED that this appeal is DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that the Clerk of this Court is directed to mail a true copy hereof to counsel of record and to Big Creek Lakes Reservoir Association.

DATED this 1st day of ~~September~~ October, 2008.

Karla M. Gray
Chief Justice
Jim Rice
Patricia Kelly
Paul P.

Justices

C. Bruce Loble
 Chief Water Judge
 Montana Water Court
 PO Box 1389
 Bozeman, MT 59771-1389
 1-800-624-3270 (In-state only)
 (406) 586-4364
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IN THE WATER COURT OF THE STATE OF MONTANA
 CLARK FORK DIVISION
 WESTSIDE SUBBASIN OF THE BITTERROOT RIVER BASIN (76HF)

UNITED STATES OF AMERICA, Department
 of Agriculture, Forest Service,
 Objector and Appellee,

v.

BIG CREEK LAKES RESERVOIR ASSOCIATION,
 Claimant and Appellant.

Supreme Court No.
 DA 08-0134

Montana Water Court
 Case 76HF-168
 76H 120062-00

REGISTER OF PROCEEDINGS
 (CONTINUED)

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| 69 | 01/27/05 | Motion for Withdrawal and Substitution of Counsel |
| 70 | 01/27/05 | Notice of Appearance, Pro Hac Vice Application |
| 71 | 02/02/05 | Transcript of Proceedings- Hearing December 13 & 14, 2004 (See File #3) |
| 72 | 02/04/05 | State Bar of Montana Letter |
| 73 | 02/09/05 | Order Granting Substitution of Counsel |
| 74 | 02/09/05 | Order Setting Post Hearing Filing Deadline |
| 75 | 02/22/05 | Claimant's Unopposed Motion for Thirty-Day Extension in Which to File Post-Hearing Briefs |

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| 76 | 02/22/05 | Order Granting Claimant's Unopposed Motion for Thirty-Day Extension in which to File Post-Hearing Briefs |
| 77 | 02/22/05 | Fax Received/ Original Received / / Request for Transcript |
| 78 | 04/13/05 | USDA-Forest Service's Proposed Findings of Fact, Conclusions of Law and Post-Hearing Brief |
| 79 | 04/13/05 | Big Creek Lakes Reservoir Association's Post-Hearing Brief |
| 80 | 04/13/05 | Big Creek Lakes Reservoir Association's Proposed Findings of Fact and Conclusions of Law |
| 81 | 04/14/05 | Proposed Findings of Fact and Conclusions of Law of Avista Corporation |
| 82 | 07/21/05 | Notice of Filing of Master's Report, Master's Report |
| 83 | 08/05/05 | Big Creek Lakes Reservoir Association's Objections to Master's Report |
| 84 | 08/08/05 | Order Setting Briefing Schedule and Deadline to File Application for Hearing on Objection to Master's Report |
| 85 | 08/08/05 | Order Adopting Master's Report |
| 86 | 08/24/05 | Big Creek Lakes Reservoir Association's Motion for Hearing on Objections to Master's Report |
| 87 | 08/29/05 | Fax Received/ Original Received 08/30/05 USDA-Forest Service's Response to Claimant's Objections to the Master's Report |
| 88 | 09/15/05 | Big Creek Lakes Reservoir Association's Reply to U.S. Forest Service's Response to Claimant's Objections to Master's Report |
| 89 | 11/03/05 | Order Amending and Adopting Master's Report for claim 76H-B-215914-00 |
| 90 | 11/03/05 | Order Setting Hearing on Objections to Master's Report |

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| 91 | 11/07/05 | Pro Hac Vice Application |
| 92 | 11/21/05 | Motion for Withdrawal and Substitution of Counsel |
| 93 | 11/25/05 | Big Creek Lakes Reservoir Association's Motion to Vacate the Hearing on Objections to Master's Report |
| 94 | 12/01/05 | Order Vacating Hearing Order Granting Substitution of Attorney |
| 95 | 07/27/06 | Notice of Appearance |
| 96 | 07/28/06 | Motion for Withdrawal of Counsel |
| 97 | 12/11/07 | South Fork Lake Decision |
| 98 | 12/11/07 | Order Amending and Adopting Master's Report |
| 99 | 01/10/08 | Motion for Certification as a Final Judgment |
| 100 | 02/08/08 | Order Modifying Caption and Service List |
| 101 | 02/11/08 | Order Granting Rule 54(b) Certification on Claim 76H 120062-00 |
| 102 | 02/11/08 | Entry of Final Judgment on Claim 76H 120062-00 |
| 103 | 02/28/08 | Motion to Remain on the Service List |
| 104 | 03/19/08 | Order Granting DFWP Motion to Remain on Service List |