

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

COTTONWOOD ENVIRONMENTAL
LAW CENTER, MONTANA RIVERS,
and GALLATIN WILDLIFE
ASSOCIATION,

Plaintiffs,

vs.

RON EDWARDS, in his official
capacity as Manager of the Big Sky Water
and Sewer District; and BIG SKY
WATER AND SEWER DISTRICT,

Defendants.

2:20-cv-00028-BU-BMM

ORDER

Cottonwood Environmental Law Center, Montana Rivers, and Gallatin Wildlife Association (“Plaintiffs”) brought this action against Ron Edwards in his official capacity as Manager of the Big Sky Water and Sewer District and Big Sky Water and Sewer District (collectively, “Big Sky District”). Plaintiffs allege that Big Sky District violated the Clean Water Act (“CWA”) when it discharged pollutants into the West Fork of the Gallatin River without a National Pollutant Discharge Elimination System (NPDES) permit. (Doc. 8). Both Parties have filed motions for summary judgment. (Docs. 72 & 75).

Big Sky District argues that it does not own or operate the point sources on the Meadow Village golf course that Plaintiffs contend discharge to the West Fork of the Gallatin River. (Doc. 74 at 7.) Big Sky District contends that “if a CWA permit were required for discharges from these drains, the permittee would be the golf course owner, not the District.” (*Id.* at 8). The Wastewater Irrigation Agreement between Big Sky County Water and Sewer District and Boyne USA, Inc. contains an indemnification clause. (Doc. 22-4 at 6-7). The Parties should be prepared at the November 17th hearing to discuss the relevance, if any, of the indemnification clause to Plaintiffs’ claims and to Big Sky District’s argument regarding the golf course owner.

Dated this 15th day of November, 2021.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a horizontal line underneath the name.

Brian Morris, Chief District Judge
United States District Court