

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 16-0547

CLAIMANT: Herman Carl Gebert, Jr.

OBJECTOR: United States of America
(Bureau of Reclamation); State of
Montana Attorney General,

NOIA: United States of America
(Bureau of Indian Affairs); Elsie H.
Bertelsen; Herman Carl Gebert, Jr.

FILED

O R D E R

NOV 29 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

On November 9, 2016, Herman Carl Gebert, Jr., appearing as a self-represented litigant, moved this Court for dismissal of his appeal of an August 16, 2016 Montana Water Court Order Adopting Master's Report. He states in his motion that he no longer wishes to pursue this appeal. Elsie H. Bertelsen, also appearing as a self-represented litigant, is a co-appellant with Gebert in this case, and she has signed Gebert's motion to dismiss this appeal. Gebert represents in his motion to dismiss that he served his motion upon the State of Montana Attorney General, but it does not appear he served Objector Henry Gordon, or counsel for the United States of America Bureau of Reclamation or Bureau of Indian Affairs.

In order to ensure that all interested parties are apprised of Gebert's motion, and in light of the fact that a person who files a notice of intent to appear pursuant to § 85-2-233, MCA, has a right to receive notice of all future proceedings involving the claims as specified in their notices and are entitled to participate in the resolution of the issues associated with those claims (Rule 9(b), Water Rights Adjudication Rules), we deem it appropriate to serve a copy of this order upon all counsel of record and upon all interested parties before dismissing Gebert's appeal. Therefore,

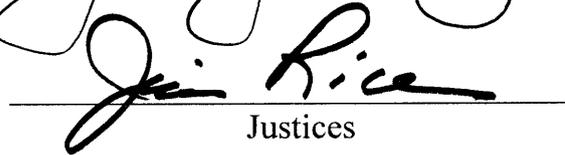
IT IS ORDERED that the Clerk of this Court shall serve this Order upon all counsel of record, upon Bertelsen and Gebert at their last known addresses, and upon all interested parties as identified in the Register of Water Court Proceedings that accompanies this Order.

IT IS FURTHER ORDERED that counsel for the parties and the remaining interested parties shall have 10 days from the date of this Order within which to register any objection to Gebert and Bertelsen's motion to dismiss this appeal. If no objections are received within the time allotted, this appeal shall be summarily dismissed with prejudice.

DATED this 29th day of November, 2016.



Chief Justice



Justices

CASE NO. 40J-242
(DA 16-0547)

ERNIE GRANVILLE, WATER MASTER
HUGH MCFADDEN, WATER MASTER
RUSS MCELYEA, CHIEF WATER JUDGE

CLAIMS: 40J 159578-00
40J 159579-00

CLAIMANT: Herman Carl Gebert Jr.

OBJECTOR: Henry C. Gordon
United States of America (Bureau of Reclamation);
State of Montana Attorney General

NOIA: United States of America (Bureau of Indian Affairs);
Elsie H. Bertelsen; Herman Carl Gebert Jr

PARTIES

ATTORNEYS

Herman Carl Gebert Jr.

Pro Se

Elsie H. Bertelsen

Pro Se

Henry C. Gordon

Stephen R. Brown

Jeremiah D. Weiner, Esq.
Melissa Schlichting

State of Montana Attorney General

Joseph T. Mathews Lead Trial Attorney
Caitlin B. Imaki, Trial Attorney
Judith Coleman, Trial Attorney
Roselyn Rennie, Trial Attorney

United States of America (Bureau of Reclamation)

Daron Carreiro, Trial Attorney

United States of America (Bureau of Indian Affairs)

REGISTER OF PROCEEDINGS