

1/25/2006

Richard Stevens
2398 Middle Road
Columbia Falls, Mont.
59912
(406) 892-3448

Freedom of Information under U.S.C. title 5 Section 552

To Montana's Legislative Service Department Director and Chief legal attorney and chairman or persons of Named committees and legal Attorney for Governor Brian Schweitzer

Information from The Law and Justice and EQC Interim Committees of the 58th and 59th legislative session of The State of Montana From October 23, 2003 through 2005 and from the Governor Brian Schweitzer from Feb. 2005 through December of 2005

Under Montana's Constitution Article II section 9 states that No person shall be deprived of the right to examine documents or production of or to observe the deliberation of all public bodies or agencies of state government

Under our U.S.C. Title 5 section 552 the Freedom of Information Act we the people have the right for the production of information and Public Documents and the right to review the conduct of public servants during any of proceedings of public interest

In this request there is no private information being sought just Names and what authority and to public records Please list times Stevens has been to these committees and to the Governor in person or by mail or phone named title or subject Submit any minutes of Meeting Public Comments that Stevens was in

In this freedom of information request we the Stevens ask for the following For our rights under Montana's constitution and our U.S. Constitution to Trial by Jury Just Compensation for criminal takings of Rights and property in Court proceedings Abuse of power by the State of Montana's Government Reported to these committees October 23, 2003 through 2005

This act is to review what evidence and laws did these committees review if any in Stevens complaint October 2003 through 2005 and request for the right to state protection or if any other person or persons from the governor office or any state agency To See if Stevens substantial Rights was violated was there any breach of Duty

Did any committee review the separation of powers doctrine dose this committee under stand the just what the separation power is? Has there been any criminal conduct by any branch of Montana's Government in Stevens complaint of abuse of powers to these committee if so name by who what department and when

Has there been any deliberation on Stevens's complaint. Meeting, Or hearings if any give time and date who and when Please submit copies to Stevens any recording, papers, writings, facts, findings by any committee's time and places or by the governor office or By the Department of Administration Trot Claims Department

The abuse of one branch of government powers led abuse of two branches of government did any committee or the governor's office look at the conduct of the other two branches of government if so name time place and who please produce

What are these Committees and governor duties to these departments, Department of Justice, The department of Administration and to DEQ, DNRC, and of the County of Flathead?

Did anyone review evidence submitted by Stevens to these committees Name Who and when what action was taken or why no action was taken?

Did anyone review any evidence in case DV-00-57 (A) Montana Supreme Court case 00-616 Stevens v. State and DNRC Author (Bud) Clinch Director

Who gave the Employees of DNRC Authority to testify in behalf of the State Case DV- 95-70(b) and 98-446 of Montana Supreme Court 1998 in cases U.S. Bankruptcy Court 96-51744-12 1997 and in the U.S. District Court case no. CV-97-57-M-DWM 9-16-1998 United States v. Cuyler P. Medore and Terence Carsten see case DV-02-634 criminal acts in court proceedings Stevens's complaint to these committees for the right to state protection October 23, 2003 and May 13th 2004 through 2005

Please produce any laws or policies that Says Medore did not need a beneficial use permit before they dredge The Altenburg Slough for a sock-pond and recreation use with other legal water users would this be a beneficial use? For permit from DNRC? And information of the following

What if any Environmental laws did any committee or person or persons review or Natural Resource laws did any one review

1. Did anyone review Montana's Water Use Act what permits are mandated in this act please list laws and permits by Who and When
2. who and if interview of any experts of any damage to the wetland of Altenburg Slough or any violation of Floodplain laws or violations of Montana's Water Use Act
3. What application did any department review if any please give Name? And phone no. what? Agency and on what date
4. What permits was issued by the state any Agency for this dredging Of Altenburg Slough what date on permits submit copy of Permits issued
5. Name any expert that the State if any other Roger Noble Reviewed and when where did any inspection of the Dredging of Altenburg slough take place did DEQ inspect the dredging of Altenburg Slough
6. Who authorized the May 12 ,1993 Letter with DNRC heading stating Medore never needed a Beneficial permit from DNRC before dredging the Slough by Jeff Ellingson attorney for Medore and Carsten and Linda Colter Now Molina of DNRC did anyone review any applications of Medore and Carsten before or after the dredging of the slough was there any beneficial use in the applications Did anyone review the Floodplain application before or after the dredging or in any court proceedings Please Name Who and When
7. is there any notes or memo of this document from the department of DNRC is any note of calls about this Document

from any other state agency or to the Department before this document was used Please submit to Stevens

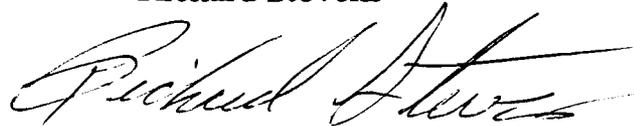
8. was this document used to prove no duty to state laws or to the Stevens in any court proceedings Please produce
9. Do you need to be an expert to know water dose naturally flow to a low spot or testify to that affect Please produce
10. what evidence did any committee review in any complaints by Stevens list the evidence from the Stevens from 1996 through 2005 what laws was gave to this department and all other department of the state did you review if any please list
11. Would removing the MUD in Altenburg Slough make a new low spot was there mud? How was this was determined it was mud by whom?
12. Was there any test to determine where the ground water was before and after the dredging of the slough other then the Stevens if any please produce?
13. Was there any test performed by any state agency to see if the dredging took water from Stevens Point of Diversion? During the time would need his full legal use of water July through September
14. did you review the Constitutional duties of these departments did you review Montana' constitution Article IX and article II of Montana's Constitution if any please list time and date by who
15. did any person or persons review the conduct of the state agency in this complaint by Stevens if so who, when, where Please list and produce
16. Did any person or persons review the M.R.Civil P. rules 56 59 or 60(B)
17. Did any person or persons review Rule 56 © of M.R.Civil P.

The issues any of facts in the Named cases for no summary judgments to send to trial by jury for damages to property damage of lost of crops lost of income breach of duty breach of contract punitive damages for criminal conduct for lost of Homes and property a way of life the right to Article II section 3, 4, 16,17, 18, 20, 26,28, 29, 34 and Article IX section 1,2,3,4 under our U.S. Constitutions Amendments 5th 14th ,7th

This information is not to delay any investigation it is so that justice can prevail if there is any investigation by any state government we have the right to know under Montana's Constitution and laws please let us know so we can act to this investigation

Under this U.S. freedom of information act we give you and this department 10 days for the production of this action and if the cost becomes a factor Stevens will come to Helena to review just what maybe or not be needed. Please contact Stevens by phone and letter of cost and time for production of this request we ask if possible that the cost to be keep at \$25.00

Thank you
Richard Stevens

A handwritten signature in cursive script that reads "Richard Stevens". The signature is written in black ink and is positioned below the typed name.

for summary Judgment M.R.Civil. P. Rule 56 © and insufficiency and {Criminal Conduct conspiracy of forging a document that denies a legal duty of MCA 85-2-301 through MCA 85-2-302 Article II section 29 an advantage for the defendants } by Defendants Attorney Jeff Ellingson and Linda Colter {Now Molina} of DNRC and legal misconduct and malpractices by the other attorneys C. Mark Hash and Peter F. Carroll Plaintiffs and Attorney Mark Stermitz [ie] {Officers of the court} and perjury by witness Roger Noble and Charles Brasen of DNRC there is a great number of Attorneys and Judges that willfully and with Malice intent denied the Stevens just compensation for this criminal taking of property and property rights and the right to trial by jury see Article II section 29 and U.S.C. 5th and 7th and 14th Amendments

Stevens has gave the courts other witness of damages and open file report 177 to prove perjury by Nobel of DNRC in all named case and witness for the defendants this information was and is with in the time limits under M.R.C.P. 59 and 60 (b) before Stevens appealed Montana Supreme Court

September 1998 {part of court records} this judgment was made June 18th 1998 DV-95-70 (b) 98-446 of Montana supreme court case also in the U.S. Bankruptcy Court for western Montana case 96-51744-12 Judge Peterson and the U.S. District court for western Montana Missoula Division Case CV-97-57-M-DWM Judge Molloy Substantial credible evidence of damage by these judgments obtained through fraud and using deceit in orders of the courts that violated ie substantial rights of parties

Inalienable rights or natural rights God given rights not mans nor a state to take away see U.S. Constitution Amendment 14 "Nor shall any state deprive any person life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of laws."

Has presented evidence of insufficiency and criminal conduct of Judge Curtis, from 1998 through 2002 Judge Lympus 2000 case OO-57(A) 00-616 through 2002 and Judge Stadler 2002, 02-634 of Montana's Eleventh judicial District Court in Flathead County in the state of Montana and Montana's Supreme Court from 1998 through 2002 a breach of duty and act of bad faith conspiracy to Obstructing justice for the advantage of public servants see case's of Stevens that went before Montana Supreme Court 00-616, 01 203 , 00-706 01-854

From October 23, 2003 through 2005 Stevens has gave Montana's Laws and case laws to the Law and Justice interim committee 58th legislative secession this information again with substantial credible evidence MCA 85-2-102 # 17 (1999) substantial credible information to bring an action upon the named parties and in May 13, of 2004 to the EQC interim committee insufficiency of our State agencies Deceit by our public servants undue influence by attorneys and state deceit by our ex governors and Attorney generals and our courts

Violation of Montana's Constitution and United States Constitutions
See Montana's constitution Declaration of rights Section 1, 3, 4, 8, 9, 16, 17, 18, 19, 20, 26 28, 29, 34 and Article IX of Montana's constitution

The United States Bill of Rights amendments 5th grand jury the six amendment impartial jury and due process of law the seventh amendment the eleventh amendment restriction of judicial powers Equity in law

The State of Montana By and through our legislatures and courts and county attorneys and attorney generals and governors has terminated our rights because we made complaints on public servants that violated our rights in a criminal matter used conspiracy to deceit the citizens of Montana undue influence in their judgments and orders violating our constitutions and Bill of rights in and before court proceedings

Conspiracy to take private property with out due process of law or with the equal protection of law or just compensation conspiracy to take our indavigal rights to trail by jury the action {"criminal action and conduct of our courts is subverting the integrity of our Judicial system"} to protect and cover up the criminal acts of Montana's public employee the criminal acts of our legislatures is to protect these criminals conspiracy to with hold the criminal acts in our court proceedings and is obstructing justice for the advantage of the named defendants from the citizens of Montana

Dated This 1 ^{Fed} of ~~January~~ 2006


Richard Stevens

The foregoing Affidavit of Richard Stevens was subscribed and sworn to me on this Day 1 of ^{Feb} ~~January~~ 2006



Lorna Rae Hill
NOTARY PUBLIC FOR THE STATE OF MONTANA

(printed name) Lorna Rae Hill

Residing at Kalispell

My Commission expires 9-1-2008

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1520 E. 6TH AVE. HELENA, MONTANA 59620-2301



Authorization To Change Appropriation Water Right

PURSUANT TO SECTION 85-2-402, MCA, THE APPLICATION FOR CHANGE OF APPROPRIATION WATER RIGHT SUBMITTED ON OCTOBER 12, 1988 BY:

RICHARD W. STEVENS
BOX 296
SOMERS, MT 59932

IS HEREBY APPROVED SUBJECT TO THE FOLLOWING AUTHORIZATION:

WATER RIGHT: PERMIT TO APPROPRIATE WATER
NUMBER(S): P001898-76LJ
PRIORITY DATE: MARCH 28, 1974
SOURCE: ALTENEGRG SLOUGH
POINT OF DIVERSION: NWSWS, SEC. 13, T27N, R21W, FLATHEAD COUNTY
USE: IRRIGATION

****CHANGE APPROVED:**

THE DEPARTMENT HEREBY AUTHORIZES THE CHANGE OF THE WATER RIGHT AS FOLLOWS:
TO ADD A POINT OF DIVERSION TO A PORTION OF THE ABOVE WATER RIGHT.

NEW ADDITIONAL POINT OF DIVERSION: NESWSV, SEC. 13, T27N, R21W, FLATHEAD COUNTY

THIS AUTHORIZATION IS SUBJECT TO THE FOLLOWING TERMS, CONDITIONS AND RESTRICTIONS.

****CLARIFICATION OF APPROPRIATION:**

THE AMOUNT OF WATER TO BE DIVERTED AT THE NEW ADDITIONAL POINT OF DIVERSION SHALL NOT EXCEED 85 GALLONS PER MINUTE UP TO 22.25 ACRE-FEET PER YEAR.

****ATTACHMENTS:**

THIS AUTHORIZATION IS FURTHER SUBJECT TO THE ATTACHED EXHIBIT "A" AND MADE A PART HEREOF.

****REQUIREMENTS FOR CHANGE HOLDER:**

THE DEADLINE FOR COMPLETION OF THE AUTHORIZED CHANGE AS SPECIFIED IN THIS AUTHORIZATION, AND FILING OF THE NOTICE OF COMPLETION OF CHANGE OF APPROPRIATION WATER RIGHT (FORM 618) SHALL BE NOVEMBER 30, 1991.

****CONDITIONAL APPROVAL:**

THE APPROVAL OF THIS CHANGE IS NOT TO BE CONSTRUED AS RECOGNITION BY THE DEPARTMENT OF THE WATER RIGHTS INVOLVED. ALL RIGHTS ARE SUBJECT TO POSSIBLE MODIFICATION UNDER THE PROCEEDINGS PURSUANT TO TITLE 85, CHAPTER 2, PART 2, MCA, AND 85-2-404, MCA.

FAILURE TO COMPLY WITH ANY TERMS AND CONDITIONS HEREIN MAY RESULT IN THE LOSS OF THE AUTHORIZATION TO CHANGE HEREBY GRANTED.

NOTICE AND STATEMENT OF OPINION

The Department hereby proposes the following action on your Application for Beneficial Water Use Permit, Application for Change of Appropriation Water Right, or Application to Sever or Sell Appropriation Water Right No. 0001898 (Stevens, Richard) Case # P 836 580 SED

For the protection of prior existing water rights, the following condition(s) would be placed on your permit or authorization if approved after advertising your application. If objections are received or a hearing is held further condition(s) may be necessary. We will notify you later of any objections received or necessary modifications.

To issue your permit or authorization subject to the following condition(s), for the protection of prior existing water rights.

1. This authorization is subject to the appropriator maintaining a record of any-system changes along with written records of his diversion schedule, number of sprinklers used, and measured (bucket and stopwatch) sprinkler flow rate (flow of nearest and farthest sprinkler) so that the flow rate and volume of water diverted can be determined. Said records shall be submitted to the Department upon request.
2. This authorization is subject to the appropriator seasonally notifying the other owners of the apportioned water right P001898 (per DNRC records) of his intended irrigation start date. Notice by certified mail is mandated only if personal communication does not take place.

RECEIVED

JUN 30 1989

MONTANA D.N.R.C.
KALISPELL FIELD OFFICE

NOTICE

SECTION 85-2-310, MCA, PROVIDES THAT A PERSON AGGRIEVED BY AN OPINION OF THE DEPARTMENT IS ENTITLED TO A HEARING BEFORE THE DEPARTMENT. A REQUEST FOR A HEARING MUST BE MADE WITHIN THIRTY (30) DAYS AFTER THIS NOTICE IS MAILED. THE SPECIFIED ACTION WILL BE TAKEN UNLESS A HEARING IS REQUESTED.

Charles F. Brown 1-17-89

For
Water Rights Bureau
Water Resources Division

Date

I (We) accept the above condition(s) and do not request a hearing.

I (We) do not accept the above condition(s) and ~~do~~ request a hearing.

Richard Stevens 6-30-89
Applicant Signature Date

Sign and return to:

MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION

DNRC

32 SOUTHWING

HELENA, MONTANA 59620

409-3962

88130 13320

State of Montana, personally appeared JAMES C. FOOT and MARGREATE FOOT, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto affixed my signature and official seal the date first above written.



William E. Osaford
Notary Public for the State of Montana
Residing at Kalispell
My commission expires 6-5-89

STATE OF MONTANA)
County of Flathead) ss.
County of Glacier)

On this 5th day of May, 1988, before me a Notary Public for the State of Montana, personally appeared RICHARD W. STEVENS and BETTY J. STEVENS, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto affixed my signature and official seal the date first above written.



William E. Osaford
Notary Public for the State of Montana
Residing at Kalispell
My commission expires 6-5-89

STATE OF MONTANA, }
County of Flathead }

ss

Recorded at the request of Nazyl & Co
this 9 day of May 1988 at 1:32 o'clock P M and recorded in the records of Flathead County, State of Montana.

Fee \$ 10.00 Pd.

RECEPTION NO. 88130 13320

RETURN TO Richard W. Stevens
Box 693 Browning Mt 59417

Susan A. Haverfield
Flathead County Clerk and Recorder
Rebecca F. Klein
Deputy

See also:

Ex
2

Question for interim committees Staff
And Montana Legislative Service Department
Director of Legal Service Gregory J. Petesch

Under our right to know of Montana's Constitution Article II section 9
And By MCA 2-6-102 I Richard Stevens Ask for this information and
production of

1. has any committee member ask to review any of my document that I have gave to these committees
2. named who and when and list what documents
3. Has the Attorney General or his staff ever been interviewed on this claim
4. Name who, when, by who, what date any notes memo, or any writing of any interview or any inquiry
5. has any judge or justice been ask for information on this case who and when any writing of memo notes any findings any facts
6. has any state department been ask why there was never any enforcement in this case if so what department and why not any enforcement take place name what departments has the duty to enforce our laws in this case
7. Has any committee or committee member ever ask for a investigation of any state agency or any public servant that is involved in this case of abuse by Montana's government
8. Has there been any notes memo or any other writing on this claim
9. Has any committee and or interim committee ever talked about my case Name what committee time and dates any notes, taps memo any other writing of any committee that talked about my case
10. Has any committee or member ever been interviewed or question about this case name who when why where is there any notes memo, calls, taps any writing

11. Has there ever been any questions of the separation of powers overview by these committees from 2003 through today

12. Has any committee or member ever reviewed the courts decision and then read Stevens pleading to the courts name who, when, any notes memo, any writing of any review

13. Thank you for your time

14. Richard Stevens

COPY
EGC meeting file January 27th
2006
Todd Smith 3-10-06

April 26, 2002

Mr. Richard Stevens
2398 Middle Road
Columbia Falls, MT 59912

Re: Letter of April 15, 2002

Dear Mr. Stevens:

Your April 15, 2002 letter to the Attorney General has been forwarded to me. In your letter you request that action be taken regarding what you deem to be a violation of an obligation of the Department of Natural Resources and Conservation to protect your private property under the Montana Water Use Act. While a review of the DNRC's actions reveals no violation of the Montana Water Use Act, it also reveals no infringement upon your private property rights. Furthermore, a review of the cases referenced by you in your letter appears to confirm that this dispute was resolved both by Judge Lympus in the District Court for Flathead County, as well as affirmed by the Montana Supreme Court on February 22, 2001, in Cause No. 00-616, in which the findings of the Supreme Court concluded that you not only were untimely in seeking recovery under a tort action, but that your claim against the DNRC failed to state a claim upon which relief could be granted. Finally, the district court found no evidence of causation for your claim against the DNRC.

In addition, your petitions to the Montana Supreme Court in Cause Nos. 01-203; 01-854; and 00-706 have likewise been resolved and no further attempts to repeatedly assert the allegations previously resolved will be accepted for review by the Court.

I am not aware of any new allegations brought forward in your recent letter that would cause our office to inquire further into the matter as the Court has now twice spoken in finding your claim to be without merit. I am confident that the DNRC is properly fulfilling all of the agency's duties under the Montana Water Use Act. I am forwarding a copy of this response to the DNRC for their files.

Sincerely,

CANDACE F. WEST
Assistant Attorney General

cfw/brf

c: Bud Clinch
Don MacIntyre
Fred Robinson

Montana Code Annotated 2005

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2-6-102. Citizens entitled to inspect and copy public writings. (1) Every citizen has a right to inspect and take a copy of any public writings of this state, except as provided in 22-1-1103, 22-3-807, or subsection (3) of this section and as otherwise expressly provided by statute.

(2) Every public officer having the custody of a public writing that a citizen has a right to inspect is bound to give the citizen on demand a certified copy of it, on payment of the legal fees for the copy, and the copy is admissible as evidence in like cases and with like effect as the original writing. The certified copy provision of this subsection does not apply to the public record of electronic mail provided in an electronic format.

(3) Records and materials that are constitutionally protected from disclosure are not subject to the provisions of this section. Information that is constitutionally protected from disclosure is information in which there is an individual privacy interest that clearly exceeds the merits of public disclosure, including legitimate trade secrets, as defined in 30-14-402, and matters related to individual or public safety.

(4) A public officer may withhold from public scrutiny information relating to individual privacy or individual or public safety or security of public facilities, including jails, correctional facilities, private correctional facilities, and prisons, if release of the information may jeopardize the safety of facility personnel, the public, or inmates of a facility. Security features that may be protected under this section include but are not limited to architectural floor plans, blueprints, designs, drawings, building materials, alarms system plans, surveillance techniques, and facility staffing plans, including staff numbers and locations. A public officer may not withhold from public scrutiny any more information than is required to protect an individual privacy interest or safety or security interest.

History: En. Secs. 3180, 3181, C. Civ. Proc. 1895; re-en. Secs. 7898, 7899, Rev. C. 1907; re-en. Secs. 10542, 10543, R.C.M. 1921; Cal. C. Civ. Proc. Secs. 1892, 1893; re-en. Secs. 10542, 10543, R.C.M. 1935; R.C.M. 1947, , ; amd. Sec. 5, Ch. 476, L. 1985; amd. Sec. 12, Ch. 748, L. 1991; amd. Sec. 2, Ch. 485, L. 1999; amd. Sec. 3, Ch. 77, L. 2001.

Provided by Montana Legislative Services