

2. In 2021, the Election Office sent the letter marked as Exhibit 3 in the Appendix of Exhibits in connection with an election to elect FSID commissioners.

3. An election to elect several FSID commissioners was also held on May 2, 2023.

4. On or about February 14, 2023, Charla Merja on behalf of FSID sent, and shortly thereafter I received, a notice of election, Exhibit 2.

5. I own approximately 197.096 irrigable acres solely in my own name.

6. In connection with the 2023 election, I received a ballot for voting based upon that ownership.

7. I own approximately 619.427 acres as a co-owner with my wife, Cindy Denning.

8. In connection with the 2023 election, neither my wife nor I received ballots to cast votes based upon the 619.427 acres we co-own.

9. My wife and I were (and are) both residents and landowners in the district, but we were not sent ballots for the land we own as co-owners and were not permitted to vote based on our co-owned land.

10. My wife and I had designations on file from the years before 2023.

11. I explained this to the election administrator, Sandra Merchant, but she still did not act upon it.

12. I had already submitted to FSID written designations prior to this

election in which I was designated to vote the property my wife Cindy and I own as co-owners.

13. On April 14, 2023, I drove to Great Falls and met with Sandra Merchant.

14. I told Ms. Merchant I should have received ballots for more votes than the 197.096 votes I am entitled to vote based upon land I own solely in my own name, based on my and my wife's residence in the FSID and co-ownership of more acres than the 197.096 shown on the ballot I received.

15. I showed Ms. Merchant a document entitled, "2023 Season Assessment."

16. Ms. Merchant's response to me was that there was not a voting designation for these other parcels.

17. Although I believed it was unnecessary for my wife and I to designate an elector for our co-owned acres, in an attempt to get along I obtained a "Notice of Designation of Special District Agent" form, filled it out, and hand delivered it to Sandra Merchant on April 14, 2023.

18. I also told Ms. Merchant there had not been any change in my votes or designations from the past election and that similar designations should already be on file, either in the county office or at the FSID office.

19. I did not know that the Election Office had improperly sealed my prior designations with records from 2021.

20. Ms. Merchant said the designation had to be given to Charla Merja at the

FSID office but that she (Ms. Merchant) would do this for us.

21. No other ballots were ever provided to any of the persons for whom I provided designations to Ms. Merchant, nor were any of us permitted to cast all of the votes to which we were entitled based upon co-ownership of irrigable land.

22. The same thing happened to all other co-owners of property within the district who did not designate agents for voting exactly as the district's February, 2023, letter had instructed.

23. The FSID's board of commissioners was apprised prior to the election of our designations, but based upon a self-serving motion by Commissioner Ken Steinke, a majority of the board voted not to accept them.

24. To the contrary, the FSID board implemented the requirements of an earlier version of § 85-7-1710 which had been repealed in 2019 and failed to comply with the version of the statute in effect in 2023.

25. Commissioner Steinke's self-serving motion enabled him to win another term as commissioner.

26. Ballots were mailed by the county election office without secrecy envelopes or instructions.

27. The Fort Shaw Irrigation District board of commissioners conducted a meeting on April 27, 2023.

28. The content of the April 27, 2023, meeting is accurately set forth in the

minutes of said meeting. Exhibit 5 is a true and correct copy of said meeting minutes and the content of the meeting.

29. After the election, I informed the Cascade County Commissioners that FSID electors had not been allowed to vote and urged them not to certify the election results.

30. Despite the information I provided to the Cascade County Commissioners, they and the Cascade County Clerk of Court voted to accept the results of the flawed election.

31. During the canvass, I felt a sense of loss when I observed Commissioner Rae Grulkowski's gleefulness in disregarding that we had not been allowed to vote.

32. All of the exhibits referred to in the brief in support of our motion for summary judgment are true and correct copies of documents produced by Cascade County, Sandra Merchant, or FSID; or are property records maintained by the Montana Department of Revenue on its Montana Cadastral website, for which I request that the Court take judicial notice. Those produced by Cascade County and Ms. Merchant are marked at the bottom of each page "Cascade County" with a number following; and those produced by FSID have "FSID" and a number at the bottom right-hand corner of each such page.

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I declare under penalty of perjury that the foregoing is true and correct.

February 24, 2023
Great Falls, Cascade County, Montana

A handwritten signature in cursive script, appearing to read "Riley C. Perry", is written over a horizontal line.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon the persons named below by mailing, hand-delivery, Federal Express, or by telecopying to them a true and correct copy of said document.

U.S. Mail Hand-delivery Federal Express E-service except as noted below

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this 6th day of March, 2024.

/s/ Steven T. Potts