

IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES – MONTANA – UNITED STATES
COMPACT

CASE NO. WC-0001-C-2021

ORDER EXTENDING OBJECTION DEADLINE

The Water Court issued the Confederated Salish and Kootenai Tribes of the Flathead Reservation—State of Montana—United States Compact Preliminary Decree and Notice of Availability (“Preliminary Decree”) on June 9, 2022. The preliminary decree objection period closes on December 6, 2022.

Numerous parties filed requests for extension. The requests state a number of reasons, many of which fall into two general categories: (1) assertions that parties entitled to receive personal notice of the Preliminary Decree did not receive personal notice; and (2) assertions that the Preliminary Decree is too complicated to file a complete objection within the time allotted. Many extension requests provide little detail, and some are framed more in the form of an objection rather than a request for extension. Most of the requests received do not request a specific amount of time for an objection extension.

The Water Use Act authorizes the Court to extend the deadline for filing objections upon a timely application and for “good cause shown.” Section 85-2-233(2), MCA. Absent a showing of good cause, requests for extension will be denied. *See*, Corrected Order Denying Request for Extension of Objection Period, Basin 76E (Jan. 28, 2019) (“Basin 76E Order”). To demonstrate good cause for extension of an objection period, parties seeking an extension are expected to “specifically identify unique obstacles, problems, or circumstances that prevent them from preparing and filing objections.” Basin 76E Order at 4. Reasons stated vaguely or tied to the normal or

reasonably anticipated press of business fall short of showing good cause to extend a basin objection deadline. *Id.*

On November 28, 2022, the Confederated Salish and Kootenai Tribes, the State of Montana, and the United States of America (collectively, the “Compacting Parties”) filed a joint response (“Joint Response”) to some of the extension requests. (Doc. 119.00). The Joint Response provides information about concerns raised in four of the requests. Ultimately, the Compacting Parties state they do not oppose an extension to the objection deadline within certain parameters. This statement of non-opposition provides the requisite good cause to extend the deadline. After considering the extension requests, the Joint Response, prior extension requests for other decrees, and the Court’s general practice for extension requests, the Court concludes a 60-day extension is appropriate, adjusted slightly for weekends and mailing.

In issuing this extension, the Court cautions that no determination has been made to grant any further extensions, and any further requests for extension must establish good cause in light of this extension.

ORDER

THEREFORE, the pending requests for extension of time to file objections are GRANTED to the extent the objection period is extended for 60 days until and including **February 9, 2023**. This extension applies to all potential objectors, regardless of whether they requested an extension. The Court will publish a notice of this extension in the same newspapers that published availability of the Preliminary Decree. The Court will provide notice of this Order to each person who filed a request. If the extension request identified an attorney, notice is provided to the referenced attorney. This Order also shall be published on the Water Court’s website at: <https://courts.mt.gov/Courts/Water/Notices-Info/PublicNotices>. The Court also provides notice via its listserve.

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