

Montana Water Court
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IN THE WATER COURT OF THE STATE OF MONTANA

SWO-0001-WC-2025

STATEWIDE ORDER CONTINUING CASES WITH FEDERAL PARTIES

BACKGROUND

Based on motions filed in several individual cases, the Court takes judicial notice that funding for the United States Department of Justice lapsed at the end of the day on September 30, 2025. The motions indicate attorneys for the Department of Justice are generally prohibited, with only limited exceptions, from working during the pendency of the lapse in appropriations, even on a voluntary basis.

The Water Court has many open cases where various agencies of the United States, including but not limited to the Department of Interior, Bureau of Reclamation, Bureau of Land Management, Bureau of Indian Affairs, United States Fish and Wildlife Service, and Department of Agriculture, Forest Service are parties. The Department of Justice represents these agencies in each of these cases.

Rather than incur the expenditure of scarce judicial resources on processing case-specific motions to stay or extend pending deadlines in active cases before the Court, the Court concludes good cause exists to extend deadlines in which the United States, for itself and on behalf of its agencies, is a party.

ORDER

Accordingly, pursuant to Montana Rule of Civil Procedure 6(b)(1)(A), IT IS ORDERED, effective October 1, 2025, and until further order of the Court, that:

1. All filing and discovery deadlines imposed upon the United States, or any federal agency, shall be extended by the number of days equal to the length (in days) of the lapse of appropriations, plus fourteen (14) days.

2. Counsel for the Department of Justice shall notify the Court when appropriations are restored to the Department of Justice by filing a notice in this case (Case SWO-0001-WC-2025).

3. This stay does not apply to any objection, counterobjection, or notice of intent to appear deadlines in preliminary or interlocutory decrees with open filing periods. Extensions requests for decree objection periods will continue to be addressed on a case-by-case basis.

4. All currently scheduled status or other court conferences in cases in which the United States, or any federal agency, is a party are continued and will be rescheduled following the Court's receipt of notice that appropriations are restored.

5. The Clerk of Court shall provide a copy of this Order to the Court's listserv and to the Court's website, as well as all Department of Justice counsel listed on the certificate of service. The Clerk of Court also shall docket a copy of this Order in all active cases in which the United States is a party.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

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