

MONTANA WATER COURT
LOWER MISSOURI DIVISION
MISSOURI RIVER BETWEEN BULLWHACKER CREEK AND MUSSELSHELL RIVERS
BASIN 40EJ
INTERLOCUTORY DECREE

CLAIMANT: Lazy JD Cattle Co.

40EJ 30128601
40EJ 30128602
40EJ 30128603
40EJ 30128612
40EJ 30128618
40EJ 30128621
40EJ 30128626
40EJ 30128628
40EJ 30128638
40EJ 30128641
40EJ 30128654
40EJ 30128655

ORDER ADDING LATE SELF-OBJECTIONS TO OBJECTION LIST

On March 26, 2026, Claimant Lazy JD Cattle Co. (“Lazy JD”) filed an Emergency Motion for Leave to File Late Self-Objections, or In the Alternative Treat the Objections as Motions to Amend (“Lazy JD’s Motion”). Filed with Lazy JD’s Motion are twenty-three objection forms that address Lazy JD’s self-objections to the above captioned claims.

Lazy JD owns water rights included in the Interlocutory Decree for the Missouri River, Between Bullwhacker Creek & Musselshell River, Basin 40EJ. The Interlocutory Decree was issued on September 25, 2025. Pursuant to Montana Code Annotated Section 85-2-233(6), the objection deadline was March 24, 2026. As explained in Lazy JD’s Motion, counsel for Lazy JD inadvertently missed the objection deadline based on a calendaring mistake. Counsel discovered his mistake one day after the deadline and filed Lazy JD’s Motion on the morning of March 26, 2026. Lazy JD’s Motion requests this

Court provide leave to file self-objections or alternatively that this Court accept the late objections as motions to amend pursuant to § 85-2-233(6), MCA.

Objection deadlines are established by statute. “Objections must be filed with the water judge within 180-days after the entry of the temporary preliminary decree, preliminary decree or supplemental preliminary decree.” § 85-2-233(2), MCA. The statutes provide for two 90-day extensions if the extension request is made prior to the expiration of the original 180-day period or extension of the period. *Id.*

In *In re Gwendolyn v. Cornwell Living Trust*, 2024 Mont. Water LEXIS 424, the Water Court rejected late objections filed in the Basin 40O Interlocutory Decree. In *Gwendolyn*, the objections were not self-objections but rather objections to other water users’ claims and the 180-day objection deadline had been extended twice. The Water Court noted that accepting the late objections would exceed the limits of § 85-2-233(2), MCA, prejudice potential counter objectors, and “send a message to other potential objectors that the timing of their objections is unimportant.” *Id.* at *3.

Here, the objection deadline was not extended past the initial 180-day deadline which ended on March 24, 2026. Lazy JD seeks to file self-objections rather than objections to other water users’ claims and counsel’s calendaring mistake does not prejudice potential counterobjectors.

The objection list for the 40EJ Interlocutory Decree has not yet been prepared. Although Lazy JD’s Motion requests the Court grant leave or treat the late objections as motions to amend, the Court deems it appropriate to include the late self-objections on the objection list for Basin 40EJ with a notation that the objections were late filed on March 26, 2026. Through the objection list, other water users will be provided notice of the late status and the opportunity to review and respond to the late objections.

Therefore, it is

ORDERED that the late objections shall be added to the objection list for the Basin 40EJ Interlocutory Decree. The objection list shall specify each objection was filed late, on March 26, 2026.

ORDERED that ruling on the status of the late objections as motions to amend is deferred and will be addressed if necessary after notice is provided through the objection list and all objection and appearance periods for the Interlocutory Decree have closed.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

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