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

CASE NO. WC-0001-C-2021

COMPACT PARTIES' STATEMENT ON ORAL ARGUMENT

Pursuant to the governing order,¹ the United States of America, Confederated Salish and Kootenai Tribes, and State of Montana (collectively “Compact Parties”), submit their position for oral argument. The Compact Parties believe their motion and responses sufficiently address all issues raised by the parties and no oral argument is required. However, we recognize the Court’s desire for oral argument, consistent with the Court’s statements at the September 19, 2024, Scheduling Conference. As indicated by the Court, the Compact Parties anticipate sufficient time at oral argument to respond to the Court’s questions related to their *Motion for Approval of the Flathead Reservation-State of Montana-United States Compact and for Summary Judgment Dismissing All Remaining Objections*, Dkt. No. 1823.00, and any other motion opposing the Compact Decree’s approval.

The Compact Parties share the Court’s concern that the oral argument is not a time to raise new issues not raised in a properly filed brief or for an airing of general complaints about the Compact. Dkt. No. 1982.00 at 2. To maximize the efficacy of the argument time, the Compact Parties request a delineation of specific questions regarding issues raised in motions rather than broad topics and ask that the Court reject requests to address new or inadequately specified issues. As the Compact Parties must respond to every issue identified by the Court, we request that the Court’s list of issues be provided to the parties in sufficient time to prepare for oral argument.

Finally, the Compact Parties reserve the right to address any improper issues raised in reply briefs at a subsequent status conference or at the start of oral argument.

Respectfully submitted this 4th day of October, 2024.

/s/ David W. Harder
Attorney for the United States of America

/s/ Melissa Schlichting
Attorney for the Confederated Salish & Kootenai Tribes

/s/ Molly Kelly
Attorney for the State of Montana

¹ *Court Minutes and Order Modifying Briefing Schedule*, Dkt. No. 1982.00 at 2, Sept. 24, 2024.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served via email to counsel for the Compact Parties as set forth below this 4th day of October, 2024.

/s/ Pamela McDonald
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