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ELECTRONICALLY FILED

WC-0001-C-2021

February 21, 2025

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Montana Water Court

Attorneys for Objector

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

CASE NO. WC-0001-C-2021

REQUEST FOR HEARING

COMES NOW Objectors, Lake County Political Subdivision and Lake County School Superintendent, Carolyn O. Hall, by and through their attorneys of record, Walter E. Congdon and Kimberly L. Field, who hereby submit their notice of intent to participate in an evidentiary hearing and request for the referenced discovery information pursuant to this Court's Case Management Order No. 5, dated January 31, 2025, and under Mont. R. Civ. Pro. 56(2)(B) & (3), and Mont. U.D.C.R. 2(d).

As per paragraph 2 of this Court's Order, Objector states the following:

- a) Objector: Lake County Political Subdivision
Docket # 903.00, dated February 8, 2023

- b) Objector: Lake County School Superintendent, Carolyn O. Hall
Objections numbers 1 through 12, dated Feb 8, 2023.
Docket # 821.00, February 7, 2023
Docket # 863.00, February 8, 2023
Docket # 872.00, February 8, 2023
Docket # 933.2, February 8, 2023
- c) Objectors request to participate in the evidentiary hearing process and intend to present evidence of material injury by testimony and written evidence.
- d) Objectors' evidence and testimony relate to injury from the following:
 - 1. Conflicting language and amendment;
 - 2. Undetermined or unidentified or undefined claims;
 - 3. Conflicts with other laws, treaties and legislation;
 - 4. Denial of and non-definition of remedies;
 - 5. Failure of the compact to meet its specific purpose;
 - 6. Premature, incomplete and inappropriate implementation of the Compact provisions and claims;
 - 7. Material injury based on noncompliance with treaty rights and obligations related to water and the administrative processes.
- e) Objectors estimate that testimony and evidence can be offered in less than one hour.
- f) Objectors would prefer the Lake County venue, April 29 through May 1. Objectors are not available for the May 6 through May 8 hearings in Kalispell.
- g) Objectors state that discovery is necessary to prove material injury and request production by the Compact Parties of the Damages Report referred to in Paragraph D of objection 1, including Volume I, Volume II, and Volume III and that supplement of February 2016, all on file with the Department of Justice.

This information is relevant for Objectors and the Water Court pursuant to MCA 85-20-1901, Article VII(B)(2), as the Water Court's jurisdiction extends to "the determination of water rights and their administration" and the Water Quality Claims of the Compactors referred to in the hearing on November 15, 2024 as a "right", as we believe are disclosed and identified in the Damages Report.

- h) Objectors request that the Compact Parties disclose to Objectors herein a full and complete copy the Damages Report referenced in paragraph f) herein within 2 weeks of this request and request that the Court discuss the same at the February 26, 2025 Case Management Conference.

The Court is advised that the information and testimony provided by these

witnesses will be utilized by other Objectors we represent as representative witnesses and exhibits.

DATED this 21st day of February, 2024.

/s/ Walter E. Congdon
WALTER E. CONGDON

/s/ Kimberly L. Field
KIMBERLY L. FIELD


CERTIFICATE OF SERVICE

I, Kimberly L. Field, do hereby certify that on the 21st day of February, 2025, I served a true and correct copy of the foregoing document by email with a request for delivery receipt upon the person(s) named below.

Montana Water Court 1123 Research Drive P.O. Box 1389 Bozeman, MT 59771-1389 watercourt@mt.gov	Rebecca Ross, Senior Attorney James Cooney, Trial Attorney United States Department of Justice Indian Resources Section Environment and Natural Resources Div. 150 M Street, NE Washington DC 20002 rebecca.ross@usdoj.gov james.cooney@usdoj.gov
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