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WC-0001-C-2021

February 21, 2025

Montana Water Court

Attorney 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 Objector, Missoula Irrigation District, by and through its attorney of record, Walter E. Congdon, who hereby submit their notice of intent to participate in an evidentiary hearing and request 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: Missoula Irrigation District
Docket # 765.00, dated February 7, 2023
- b) Objector requests to participate in the evidentiary hearing process and intends to present evidence of material injury by testimony and written evidence.
- c) Objector's evidence and testimony relate to injury from the following:
 - 1. Conflicting language and amendments issues and ratification questions;
 - 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.
- d) Objector estimates that testimony and evidence can be offered in less than one hour.
 - e) The Missoula venue on April 22 through 25 is best and Objector is not available for May 6 through May 8 in Kalispell.
 - f) Objector states that discovery is necessary to prove material injury and requests 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.

- g) Objector requests that the Compact Parties disclose to Objector 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

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.

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