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WC-0001-C-2021

September 22, 2023

Montana Water Court

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

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**CASE NO. WC-0001-C-2021**

**NOTICE OF CASE MANAGEMENT CONFERENCE AGENDA**

As previously set forth in paragraph 3 of Case Management Order No. 2 filed on March 27, 2023 (Doc. 1,084.00), the Court will conduct a Hearing Track Case Management Conference (“Conference”) on October 3, 2023 at 10:00 a.m., Mountain Time. The Conference will take place by Zoom. Instructions to access the Conference are set forth in Case Management Order No. 2.

This Notice sets the agenda for the Conference.

**AGENDA**

1. Introductions.
2. Explanation of parties remaining as objectors following the completion of the Settlement Track.
3. Explanation of the purpose of the Hearing Track and the rules of proceedings
4. Confirmation that the Hearing Track does not foreclose additional settlements.
5. Clarification of communications with the Court and service of filings.
6. Discussion of the following proposed structure and schedule for the Hearing Track:

- a. Phase 1 –Phase 1 will include a period for the Compacting Parties to conduct discovery, as necessary, and file motions addressing objections. The Court anticipates a hearing on Phase 1 motions in Summer 2024. The hearing on Phase 1 motions will be conducted in person at a courthouse or other suitable location in western Montana.
  - b. Phase 2 – Phase 2 will include a period for objectors to conduct discovery, as necessary, and file any motions regarding the subject matter of filed objections. The Court will set a date for Phase 2 to commence, with an anticipated hearing date on motions in Fall 2024. A hearing on Phase 2 motions will be in person at a courthouse or other suitable location in western Montana. Prior to commencement of Phase 2, the Court will schedule and conduct a conference to discuss whether discovery is necessary, the scope of discovery, and potential consolidation of motions involving common issues.
  - c. Phase 3 – Phase 3 will involve a trial of any issues not resolved by motions. The hearing on any remaining issues tentatively will take place in January 2025 at a suitable location in western Montana.
7. Discussion of items the Court will include in Case Management Order No. 3 that will be issued following the Conference. These items will include but are not limited to:
- a. Setting a schedule to govern all Hearing Track proceedings.
  - b. Establishing the scope of and imitations on discovery.
  - c. Specifying the form of and limitations on motions.
  - d. Setting requirements for exhibit and document page numbering.
8. Discussion of any other issues requested by the parties.

Not later than **September 29, 2023**, any party may file with the Court a request to discuss additional topics at the Conference. Any such filing shall be filed in the Court’s Full Court Enterprise (“FCE”) case management system. Any filing regarding additional

topics is not required to be served on the Master Service List. Instead, parties are responsible for monitoring the FCE system. The Court retains discretion to determine whether proposed topics are appropriate for the Conference.

The Court will provide the opportunity for questions at the Conference and will provide an explanation at the beginning of the Conference as to the process to ask questions.

As provided in Case Management Order No. 2, this Notice will be posted on the CSKT Compact page of the Water Court's website and filed in the FCE docket for this case.

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Stephen R. Brown  
Water Judge