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WC-0001-C-2021

October 18, 2024

Montana Water Court

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

* * * * *

CASE NO. WC-0001-C-2021

ORDER SETTING ORAL ARGUMENT ON PENDING MOTIONS

This Order sets oral argument on several pending motions. The Court identified the motions set for argument based upon filings made by several parties in response to the Court’s request reflected in the minutes of the September 19, 2024 case management conference, and the Court’s determination of pending motions for which argument may be helpful. The Court confirmed this schedule with the various parties at the October 17, 2024 case management conference.

The Court recognizes that other motions are pending for which argument was not requested nor does the Court deem it necessary. Those motions will be decided based on the briefs filed for each respective motion. Whether oral argument is scheduled or not should not be viewed as any reflection on the Court’s view of any pending motion.

Therefore, it is ORDERED that, oral argument on certain pending motions will take place beginning at 9:00 a.m. on **November 14-15, 2024**, at the Russell Smith Federal Courthouse located at 201 E. Broadway, Missoula, MT 59802. Those persons attending in person should plan for time necessary for standard federal court security protocols. The oral arguments also may be viewed via Zoom. A Zoom link will be posted on the Water Court’s website for this case at least 48 hours prior to the scheduled dates.

It is further ORDERED, oral argument on pending motions shall proceed as follows:

1. Hearing on Compact Parties' Motion for Approval of the Flathead Reservation – State of Montana – United States Compact and for Summary Judgment Dismissing All Remaining Objectors. (Doc. 1823.00). The Compact Parties are allotted one hour to present oral argument.

2. Hearing on Objector Motions. The following parties are allotted 30 minutes each to present oral argument on their respective motions and in response to the Compact Parties' Motion for Approval as follows:

- a. Objectors William Segó, Bill & Irene, LLC, and Grace Slack's Motion for Entry of Summary Judgment on Legal Issues (Doc. 1820.00) and Brief in Support (Doc. 1821.00), and response to Compact Parties' motions. (Doc. 1970.00).
- b. Objectors Mission and Jocko Irrigation Districts Motion for Summary Judgment and Brief in Support (Doc. 1815.00), and response to Compact Parties' motions. (Doc. 1963.00).
- c. Objector Mickale Carter Motion and Memorandum in Support of Motion for Summary Judgment (Doc. 1786.00), and response to Compact Parties' motions. (Doc. 1884.00).
- d. Omvig Hammer Law, P.C.'s Motion for Summary Judgment and Brief in Support on behalf of various objectors (Docs. 1836.00 and 1837.00); and response to Compact Parties' Motions. (Doc. 1940.00). (Participation via Zoom).
- e. Objector Elena Ingraham (Motta) Motion and Memorandum in Support of Motion for Summary Judgment on the Question

of Res Judicata / Issue Preclusion (Doc. 1813.00); and response to Compact Parties' motions. (Doc. 1919.00).

- f. Motion and Brief to Deny Compact Based on Adequacy and Fairness and Other Issues of Law filed by Walter E. Congdon, Rocky Mountain Law Partners, PC, and Field Law Offices, PLLC on behalf of various clients (Doc. 1814.00), and response to Compact Parties' motions. (Doc. 1917.00).

- g. Motions or responses filed by objectors identified in the Request for Oral Argument filed by Robert Dean Brockway and several other objectors on October 4, 2024. (Doc. 1989.00). Not later than **October 31, 2024**, the parties in this group shall identify in a filing with the Court the specific motions, if any, they filed or joined and intend to address in their oral argument.

- h. Motions or responses filed by objectors identified in the Request for Formal Oral Arguments with Listed Speakers filed by several objectors on October 15, 2024. (Doc. 1996.00). Not later than **October 31, 2024**, the parties in this group shall identify in a filing with the Court the specific motions they filed or joined and intend to address in their oral argument.

3. Following each objector argument, the Compact Parties will be allowed 15 minutes for response and rebuttal, and each objector party then will be allowed 10 minutes for rebuttal and surrebuttal.

4. Parties are not required to use all the allotted time. All times specified in this Order are intended as guidelines for the parties to use in preparing their oral arguments. If the Court deems it necessary at the hearing to provide any party with additional time in order to adequately explain the issues raised by any motion, the Court will provide the party(ies) with such time. The objector parties may agree among themselves to present their various arguments in a different sequence; provided that if a different sequence is agreed upon, they shall file a stipulation not later than **November 8, 2024**. Argument for each of the parties may be presented by one or more attorneys or persons, as they deem appropriate.

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Water Judge

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