

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

* * * * *

CASE NO. WC-0001-C-2021

**CLARIFICATION ORDER
AND CASE MANAGEMENT ORDER NO. 7**

This Order responds to the Motion for Reconsideration or Clarification of Case Management Order No. 6 filed by the Compact Parties on March 3, 2025. (Doc. 2145.00). The Motion asks the Court for procedural clarification as to certain prehearing items in Case Management Order No. 6 (“CMO-6”), which the Court docketed on February 27, 2025. (Doc. 2142.00). The Court concurs that clarification is appropriate.

ORDER

Therefore, it is ORDERED that the following clarifies CMO-6 and amends and supplements CMO-6 and prior case management orders:

1. **Scope of hearings.** The issues in these hearings are limited to the providing the opportunity for Objectors to offer evidence to meet their burden of proving material injury caused by the Compact under the standards applicable to compact approval. The hearing is not intended as another opportunity to re-argue motions pending before the Court.
2. **Witness disclosure deadline (New).** Not later than the following dates, the parties shall disclose witnesses expected to be called to testify in person at a hearing. All

witness disclosures shall be filed with the Court and served. Any identified witness shall be available for a deposition during the following dates:

	Missoula Co. hearings	Lake Co. hearings	Flathead Co. hearings
Witness disclosure deadline	March 18	March 25	April 1
Depositions	March 24-April 4	March 31-April 11	April 7-April 18

3. **Depositions.** The parties shall cooperate to schedule depositions. Depositions may take place via Zoom or other teleconferencing method.

4. **Prehearing order and objections to pre-filed testimony.** Any objection(s) to pre-filed testimony shall be filed with proposed prehearing orders. The Court will post a template for proposed prehearing orders on the webpage for this case. Issues of fact and issues of law are intended to be limited only to those within the scope of these hearings. The Court intends to rule on objections and to issue final prehearing orders within a day of the prehearing conferences. The Court also will allow argument on motions in limine at the prehearing conferences.

5. **Objectors.** Objector Elena Ingraham’s request to file written testimony is conditionally GRANTED to the limited extent she agrees to be present for cross-examination, as stated in CMO-6. As to the requests filed by several parties under document nos. 2120.00 (Dean Brockway, Gene Erb, Randy Doty, and Delbert Palmer) and 2140.00 (several objectors under the group name “Citizens of Montana”), the Court considers this to be a single combined request proposing to offer testimony by lay witness Randy Doty and proposed expert witness Lana E. Marcussen at the Missoula hearing scheduled for April 24. Mr. Doty or a representative of this group is requested to attend the discovery conference scheduled for March 13, 2025 to clarify this issue.

6. **Discovery Conference Access Instructions.** Instructions to access the **March 13, 2025** conference scheduled for 10:00 A.M. Mountain Time are as follows: To join from a PC, Mac, iPad, iPhone or Android device:

Click on this URL, or type the URL into your browser to join:

<https://mt-gov.zoom.us/j/85619681405?pwd=5a4foU8Me6B02TzvTZ819XshLS1qxw.1>

Password: 435388

To join by phone:

Dial: +1 206 337 9723

Meeting ID: 856 1968 1405

Participant ID: Press # to skip

Password: 435388

If you have any questions or if you experience technical difficulties, please contact the Montana Water Court at (406) 586-4364.

7. **Additional Issues.** Any additional issues may be raised at the discovery conference scheduled for March 13, 2025.

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Chief Water Judge

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