

May 16, 2025

Montana Water Court
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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

CASE MANAGEMENT ORDER NO. 9

Requirements and Deadlines for Post-Hearing Briefs

Commencing on April 22, 2025, the Court conducted eleven evidentiary hearings. Each hearing was assigned a hearing number based on the numbering protocol in Case Management Order No. 8. Due to withdrawals, no hearings were conducted for Hearing Nos. 4, 7, 8, or 9. The last hearing concluded on May 7, 2025. The Court issued minutes after each hearing identifying the witnesses who testified and the exhibits that were offered and admitted.

On May 15, 2025, the Court conducted a telephonic conference to discuss a post-hearing briefing schedule and the format and limits for briefs. The Court also set a date for an additional conference to set deadlines to allow for better clarity as to the dates of availability of hearing transcripts. The Court also notified the parties of the availability on the website of contact information for the court reporters and links to exhibits that were admitted at the hearing. The website is available here:

https://courts.mt.gov/courts/water/CSKT/Evidentiary_Hearings.

The Court issues this Order to set the requirements for post-hearing briefing.

ORDER

Therefore, it is ORDERED that the following provisions apply to post-hearing briefing:

1. Not later than the deadline to be set at the scheduling conference set in this Order, each party to an evidentiary hearing may file a post-hearing brief of a length not to exceed 20 pages. The Compact Parties may file separate briefs for each hearing, with each subject to a separate 20-page limit. The content of the brief is limited to the scope of issues addressed at the evidentiary hearing, specifically whether the Objector(s) met or did not meet their burden of proving material injury as specified in the Court's Order on Pending Motions Regarding Compact Approval dated April 1, 2025. (Doc. 2336.00).

2. Not later than two weeks after the deadline set for the opening brief, each party may file an answer brief (also sometimes called a "response brief") of a length not to exceed 10 pages. No reply briefs are authorized.

3. The Objectors are limited to one opening brief and one response brief for each individual hearing, even if the hearing involved more than one Objector.

4. Any references to exhibits shall be by reference only to exhibit numbers for exhibits admitted in the hearing addressed in the brief. The parties shall refer to the exhibit numbers specified on the hearing exhibit table located on the following webpage: https://courts.mt.gov/courts/water/CSKT/Evidentiary_Hearings. No additional exhibits shall be filed and the parties shall not refer to any exhibit that was offered and refused at their evidentiary hearing.

5. Any references to oral testimony shall identify the transcript page and line numbers that document the source of the oral testimony. The parties are responsible to arrange obtaining transcripts directly from the court reporter.

6. The Court sets a telephonic conference for **June 5, 2025 at 10:00 a.m.**, Mountain Time. The conference is limited to (a) setting briefing deadlines; and (b) answering any formatting or procedural questions about post-hearing briefing. The conference may be accessed 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:

[\[https://mt-gov.zoom.us/j/89465159952?pwd=Zy5AbrFdmfQHi4Tb6M0LKJa9MfJaid.1\]](https://mt-gov.zoom.us/j/89465159952?pwd=Zy5AbrFdmfQHi4Tb6M0LKJa9MfJaid.1)

Password: 245092

To join by phone:

Dial (for higher quality, dial a number based on your current location):

+1 646 558 8656 or +1 406 444 9999

Meeting ID: 894 6515 9952

Password: 245092

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

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