

Montana Water Court
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CLARK FORK DIVISION
FLATHEAD RIVER, BELOW FLATHEAD LAKE
BASIN 76L

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ORDER EXTENDING OBJECTION DEADLINE

The objection period for the Preliminary Decree in Basin 76L, the Flathead River Basin, Below Flathead Lake, currently is scheduled to close on October 29, 2025. On September 10, 2025, the United State of America (“United States”), on behalf of the U.S. Department of Interior, Bureau of Indian Affairs, and as trustee for the Confederated Salish and Kootenai Tribes, and the Confederated Salish and Kootenai Tribes, filed a Request for Extension of the Time to File Objections to the Preliminary Decree in Basin 76L (“Request”). The Request asks the Court to extend the Preliminary Decree objection period for this basin by an additional 90 days.

The Water Use Act authorizes the Court to extend the objection period for a preliminary decree, provided good cause is shown and the request for extension is received before the end of the current objection period. Section 85-2-233(2), MCA. The extension request satisfies both statutory criteria. The Request is timely because it comes well before the current objection deadline. As to good cause, the Request explains the overlap between water right claims contained in the Basin 76L Preliminary Decree and ongoing litigation regarding the Compact in Water Court case WC-0001-C-2021. The Request indicates work on the Preliminary Decree objection analysis is underway but will be facilitated by additional time, given the pending litigation deadlines in the Compact proceeding. This also is the first extension request for this basin.

The Court does not grant objection extensions routinely, being mindful of its obligation to move the statewide adjudication to completion. At the same time, the Court recognizes that specific situations justify extensions, and an extension may ultimately streamline the objection resolution process. On balance, the Request demonstrates a 90-day extension is reasonable and meets the statutory criteria. This approval should not be viewed as precedent for further extensions to the objection deadline for this basin.

Accordingly, it is ORDERED that the request is GRANTED, and the Basin 76L Preliminary Decree objection period is EXTENDED until and including **Tuesday, January 27, 2026 to file, not mail**, objections to the Preliminary Decree in Basin 76L. This extension applies to ALL WATER CLAIMANTS AND OBJECTORS for claims in this Basin, regardless of whether they asked for an extension. The Court will publish at least one notice of the extension in the *Daily Interlake*, *Bigfork Eagle*, and the *Whitefish Pilot*. The Court also will provide notice on the Public Notices and Information page on the Court's website (<https://courts.mt.gov/courts/water/Notices-Info/PublicNotices>) and to the Court's listserv.

ELECTRONICALLY SIGNED AND DATED BELOW.

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