

IN THE WATER COURT OF THE STATE OF MONTANA
SWEET GRASS CREEK - BASIN 43BV
PRELIMINARY DECREE

ORDER ON MOTION FOR EXTENSION

The objection period for the Sweet Grass Creek Basin (Basin 43BV) Preliminary Decree closes on November 23, 2021. On November 18, 2021, K Bar A Ranch; Sweet Grass Ranch, Inc.; Victor Tronrud Co.; William Carroccia; Cremer Rodeo Land & Livestock Co.; and Cayuse Livestock Company (collectively, “Claimants”) filed a Joint Request for Extension of Preliminary Decree Objection Period (“Extension Request”). The Claimants seek a 90-day extension.

The Water Use Act authorizes the Court to extend the deadline for filing objections for up to two 90-day period upon a timely application and for “good cause shown.” Section 85-2-233(2), MCA; Rule 5, W.R.Adj.R. The Extension Request is timely because it was filed before the current objection deadline.

A timely filed motion also must show good cause to extend the deadline. Absent a showing of good cause, requests for extension will be denied. *See*, Corrected Order Denying Request for Extension of Objection Period, Basin 76E (Jan. 28, 2019) (“Basin 76E Order”). To demonstrate good cause for extension of a basin objection period, parties seeking an extension must “specifically identify unique obstacles, problems, or circumstances that prevent them from preparing and filing objections.” Basin 43E Order at 4. Reasons stated vaguely or tied to the normal or reasonably anticipated press of business fall short of showing good cause to extend a basin objection deadline.

In their Extension Request, the Claimants explain they have 800 claims between them in this basin. The Claimants say many of these claims have issue remarks and modifications placed on the claims after the review abstracts were issued. Two of the Claimants argue they are parties to water rights-related litigation pending in district court.

While the Claimants' reasons are somewhat sparse and not necessarily materially different than what other potential objectors face in other basins, they sufficiently state good cause for a first extension.

THEREFORE, for good cause shown, the Extension Request is GRANTED. The objection period is EXTENDED until and including **February 21, 2022**, to file, not mail, objections to the Preliminary Decree in Basin 43BV. This extension applies to all water claimants in Basin 43BV, regardless of whether they requested an extension. The Court will publish a notice of this extension in the *Big Timber Pioneer*, *Billings Gazette*, *Harlowton Times-Clarion*, and *Livingston Enterprise*, and on the Water Court's website at: <https://courts.mt.gov/courts/water/Notices-Info/PublicNotices>.



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