FILED
05/12/2025
Lisa Kallio
CLERK
Lewis & Clark County District Court
STATE OF MONTANA
By: Gabrielle Laramore
DV-25-2025-0000265-WM
McMahon, Michael F
8.00

MONTANA FIRST JUDICIAL DISTRICT, LEWIS AND CLARK COUNTY

UPPER MISSOURI WATERKEEPER Plaintiff, v. MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY, an agency of the State of Montana, Defendant.	Case No. BDV 2025-265 ORDER SETTING SHOW CAUSE HEARING

Upper Missouri Waterkeeper filed a Complaint in this case on May 9, 2025, seeking writs of mandate requiring the Montana Department of Environmental Quality (DEQ) to perform its alleged "clear legal duty to apply promulgated nutrient water quality standards in decision-making pursuant to the federal Clean Water Act and requirements of the Montana Water Quality Act, and specifically to require DEQ to reconsider the Petition to Determine the Big Hole River Impaired by Nutrients after application of Montana's numeric nutrient water quality standards codified in Circular DEQ 12-A. Alongside the Complaint Plaintiff filed an Application for Writ of Mandate and Order to Show Cause and an affidavit and brief in support of the Application.

Here, Plaintiff has submitted to the Court an Application for writs of mandate and other required documentation. Having reviewed Plaintiff's Verified Complaint, the supporting affidavit, the brief in support, and good cause being shown, **IT IS HEREBY ORDERED** that:

That the Montana Department of Environmental Quality shall appear before this Court on **May 16, 2025, at 9:00 a.m.,** to show cause the requested writ should not be issued where it would be required to reconsider Upper Missouri Waterkeeper's Petition to Determine the Big Hole River Impaired by Nutrients in light of and after application of numeric nutrient criteria and Circular DEQ 12-A, and issue a decision based on such reconsideration within two weeks after the writ is issued.

IT IS FURTHER ORDERED that Upper Missouri Waterkeeper's counsel shall immediately provide a copy of this Order on DEQ's counsel.

ELECTRONICALLY SIGNED AND DATED BELOW

Michael McMahon

Michael F. McMahon
District Court Judge

CC: Guy@UpperMissouriWaterkeeper.org (Plaintiff's Counsel)

Electronically Signed By:
Hon. Judge Michael McMahon
Mon, May 12 2025 12:57:40 PM