

ORIGINAL

FILED

06/27/2023

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 22-0112

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WATER FOR FLATHEAD'S FUTURE Inc.,  
AMY WALLER, STEVEN MOORE, and  
CYNTHIA EDSTROM,

Plaintiffs and Appellees,

v.

MONTANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY,

Defendant and Appellant

MONTANA ARTESIAN WATER COMPANY

Intervenor-Defendant and Appellant.

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JUN 27 2023

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Clerk of Supreme Court  
State of Montana

ORDER

Water for Flathead's Future, Inc., *et al.* (collectively "WFF") has filed a Petition for Rehearing of this Court's Opinion entered May 16, 2023. *See Water for Flathead's Future, Inc. v. Mont. Dep't of Envtl. Quality*, 2023 MT 86, 412 Mont. 258. Both the Department of Environmental Quality (DEQ) and Montana Artesian Water Company (Artesian) have filed objections to the Petition.

This Court "will consider a petition for rehearing presented only upon [a showing] [t]hat it overlooked some fact material to the decision; [t]hat it overlooked some question presented by counsel that would have proven decisive to the case; or [t]hat its decision conflicts with a statute or controlling decision not addressed by the supreme court." M. R. App. P. 20(1)(a). "A petition for rehearing is not a forum in which to rehash arguments made in the briefs and considered by the Court." *State ex rel. Bullock v. Philip Morris, Inc.*, 217 P.3d 475, 486, 2009 Mont. LEXIS 443 (*citing* M. R. App. P. 20(1)(a)). Having reviewed the Petition along with DEQ and WFF's responses, we conclude that WFF has

not demonstrated the existence any of the criteria which would warrant rehearing. M. R. App. P. 20(1)(a)(i)-(iii).

WFF contends that this Court’s discussion of remedies is unnecessary dicta and conflicts with § 75-1-201(6)(c)(2), MCA. However, neither of these contentions establish a basis for rehearing. The Court did not overlook § 75-1-201(6)(c)(2), MCA, but quoted and discussed it in the opinion. And, while the characterization of the discussion as dicta may be a basis for argument or comment, it is not grounds for rehearing. Therefore,

IT IS ORDERED that the Petition for Rehearing is DENIED and DISMISSED.


The Clerk of the Supreme Court is directed to provide a copy of this Order to counsel of record.

DATED this 27<sup>th</sup> day of June, 2023.

  
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Chief Justice

  
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Justices