

No. 137, Original

In The
Supreme Court Of The United States

STATE OF MONTANA,

Plaintiff,

v.

STATE OF WYOMING

and

STATE OF NORTH DAKOTA

Defendants.

Before the Honorable Barton H. Thompson, Jr.
Special Master

MONTANA'S STATUS REPORT NO. 14

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March 1, 2013

COMES NOW the State of Montana, pursuant to Section VII.D of Case Management Plan No. 1 (December 20, 2011) ("CMP No. 1"), and submits this Status Report No. 14.

1. On February 1, 2013, the State of Montana submitted its previous Status Report No. 13.

2. Wyoming has provided Montana with Bates-Stamped copies of documents received from Montana water users in response to the subpoenas issued by Wyoming. The Montana Attorney General's office has received numerous inquiries from water users who were served with subpoenas for the production of documents issued by Wyoming. Pursuant to the Special Master's ruling of January 15, 2013, Montana has instructed these subpoena recipients to contact James Kaste with the Wyoming Attorney General's office if they need more time to respond to the subpoenas.

3. During the month of February, Wyoming has taken the following depositions: Charles Gephart, Charles Kepper, Alan Fjell, Roger Muggli, Mark Fix, Dale Book, Steve Larson, and Rick Allen.

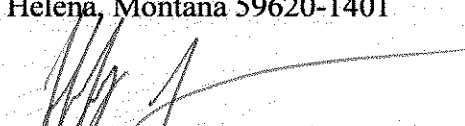
4. By agreement, at the depositions of Mr. Book, Mr. Larson, and Mr. Allen, Montana provided additional documents that related to their respective expert reports. At the conclusion of each of the depositions, Wyoming purported to keep the depositions "open." Wyoming has had the additional materials provided by Montana since February 10th (Book), 11th (Larson) and 18th (Allen). If Wyoming requests a supplemental deposition of Mr. Book, Mr. Larson or Mr. Allen pursuant to CMP Section VII.C.2(j), Montana will consider the request at that time.

5. Wyoming has scheduled 23 depositions of Montana water users for the week of March 18 – 22, 2013. During the telephonic status conference held on February 25, 2013, Wyoming represented to the Special Master that it was only scheduling depositions on days that were agreed to by the Montana water users. However, Wyoming issued a subpoena to at least one water user that scheduled a deposition on a day that Wyoming had been informed that the water user was unavailable. Montana hopes to resolve this issue with Wyoming. If Wyoming is unwilling to correct the problem voluntarily, Montana may seek appropriate relief from the Special Master.

6. On February 27, 2013, Montana served its Responses to Wyoming's Second Request for Admissions and its Objections to Wyoming's Third Set of Interrogatories to Montana, Wyoming's Second Set of Request for Admissions and Wyoming's Second Requests for Production of Documents to Montana.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of Montana's Status Report No. 14 was served electronically, and by placing the same in the U.S. mail on March 1, 2013, to the following:

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I further certify that all parties required to be served have been served.



Jeffrey J. Wechsler