

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. 6

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July 6, 2012

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. 6.

1. Montana received the remainder of the documents that it requested from Wyoming pursuant to the Joint Document Production Order ("JDPO") during the month of June. Montana is in the process of reviewing these documents to determine whether Wyoming's responses to the JDPO are complete.

2. On June 1, 2012, Montana sent a letter inquiring as to whether Wyoming would be willing to stipulate to specific years for which Montana can seek damages pursuant to the Memorandum Opinion of the Special Master on Wyoming's Motion for Partial Summary Judgment (Notice Requirements for Damages). Montana has not received a response. If the States can agree upon particular years, it would obviate the need for further briefing and argument on Wyoming's Renewed Motion for Summary Judgment.

3. On June 4, 2012, Wyoming served its Objections to Montana's First Set of Interrogatories and First Set of Requests for Production. On that same day, Wyoming also served its responses to Montana's First Set of Requests for Admission to Wyoming.

4. On June 18, 2012, Wyoming served its Answers to Montana's First Set of Interrogatories.

5. On July 3, 2012, Wyoming served its Responses to Montana's First Set of Requests for Production.

6. Montana is reviewing the discovery produced by Wyoming during the month of June, and has concerns about some of Wyoming's responses. After completing its review, Montana will work with Wyoming to see if Montana's concerns can be resolved.

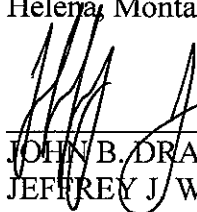
7. As discussed in Montana's Status Report No. 5, Wyoming and Montana conferred on the discovery that can be conducted from July 15 through September 15, 2012. The States agree that no depositions or written discovery will occur during this period.

8. Unfortunately, 2012 has been a low water year. Montana is monitoring streamflow conditions in the Tongue and Powder Rivers to determine whether a call is warranted.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Montana's Status Report No. 6 was served by electronic mail on July 6, 2012, and by placing the same in the United States mail, postage paid, on July 6, 2012, to counsel of record. This Certificate of Service was served by electronic mail on July 6, 2012, and by placing the same in the United States mail, postage paid, on July 6, 2012, to the following:

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



John B. Draper