

No. 137, ORIGINAL

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IN THE  
SUPREME COURT OF THE UNITED STATES

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STATE OF MONTANA, PLAINTIFF

v.

STATE OF WYOMING

AND

STATE OF NORTH DAKOTA, DEFENDANTS

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BEFORE THE HONORABLE BARTON H. THOMPSON, JR.

SPECIAL MASTER



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**AFFIDAVIT OF PAUL A. RECHARD IN SUPPORT OF  
WYOMING'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Paul A. Rechard, P.E. & L.S. being sworn, states:


1. I am a Wyoming licensed professional engineer and land surveyor. I reside in Laramie, Wyoming. I held the position of Wyoming Commissioner to the Yellowstone River Compact Commission in 1957. I make this affidavit in support of Wyoming's Motion for Partial Summary Judgment.

2. I attended the Yellowstone River Compact Commission meeting in Billings, Montana on November 26, 1957. On behalf of Wyoming, I signed the commission's annual report that was generated from that meeting, dated December 26, 1957. At that meeting, and during the rest of my tenure as Wyoming Commissioner to the Yellowstone

River Compact Commission I never received a call, claim, demand, or other notification, either orally or in writing, from a Montana commissioner or acting commissioner to the Yellowstone River Compact Commission, or anyone acting under their authority, in which they notified the State of Wyoming that Montana water users in the Tongue, Powder, Big Horn, or Clark's Fork River basins suffered from a shortage of water in response to which the State of Wyoming should take some action, such as curtailing water use in those basins in Wyoming.

3. If the State of Montana made a demand upon Wyoming under the Yellowstone River Compact during my tenure as commissioner in 1957, and that demand was not made to me personally in my capacity as Wyoming's Commissioner to the Yellowstone River Compact Commission, but was instead made to any agent of the state with authority over the regulation or adjudication of any waters of the State of Wyoming, or even to the Governor of Wyoming, such demand should have reached me from the state engineer or governor.

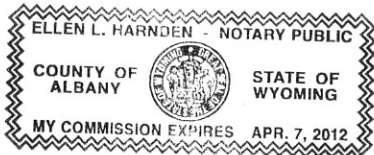
Dated this 7<sup>th</sup> day of September, 2011.

  
Paul A. Rechard, P.E. & L.S.

STATE OF WYOMING )  
 ) ss  
COUNTY OF LARAMIE )

The foregoing Affidavit of Paul A. Rechard in Support of Wyoming's Motion for Partial Summary Judgment was subscribed and sworn to before me, a notary public, by Paul A. Rechard this 7<sup>th</sup> day of September, 2011.

Witness my hand and official seal.



*Ellen L. Harnden*  
Notary Public

My Commission Expires: 7 April 2012