
IN THE
SUPREME COURT OF THE UNITED STATES

STATE OF MONTANA, Plaintiff

v.

STATE OF WYOMING

AND

STATE OF NORTH DAKOTA, Defendants

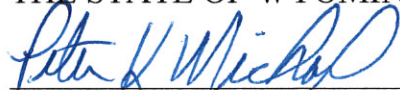
BEFORE THE HONORABLE BARTON H. THOMPSON, JR.
SPECIAL MASTER

NOTICE OF WYOMING'S FREEDOM OF INFORMATION ACT REQUEST TO THE
DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT

Wyoming hereby provides this written notice of its Freedom of Information Act request to the Department of the Interior, Bureau of Land Management, requesting agency records regarding the Bureau's Powder River Basin groundwater flow model. A copy of Wyoming's request is enclosed with this Notice, which is made in accordance with Case Management Plan No.1, Section VIII.C.1.(e).

Dated this 9th day of April, 2012.

THE STATE OF WYOMING



Peter K. Michael
Counsel of Record
Chief Deputy Attorney General
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Cheyenne, WY 82002
307-777-6946

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of Wyoming's Freedom of Information Act Request to the Department of the Interior, Bureau of Land Management was served by electronic mail and by placing the same in the United States mail, postage paid, this 9 day of April, 2012.

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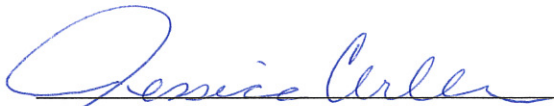
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April 9, 2012

Bureau of Land Management
Wyoming State Office
Mark P. Archer
State FOIA/PA Coordinator
5353 Yellowstone Road
Cheyenne, WY 82009

RE: FREEDOM OF INFORMATION ACT REQUEST
Powder River Basin Groundwater Flow Model

Dear Mr. Archer:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 551 et seq., the State of Wyoming ("Wyoming") respectfully requests copies of agency records held by the United States Department of the Interior, Bureau of Land Management ("BLM") regarding the BLM's Powder River Basin groundwater flow model. I believe the requested agency records are located at the BLM's High Plains District Office in Casper, Wyoming.

This request is for agency records, information and files associated with the development, calibration, and application of the Powder River Basin groundwater flow model described in the following BLM documents: "Update of the Task 1B Report for the Powder River Basin Coal Review Current Water Resources Conditions" by AECOM, Inc., dated November 2009, and; "Task 3B Report for the Powder River Basin Coal Review - Cumulative Water Resources Effects" by AECOM, Inc., dated December, 2009. Specifically, the agency records requested are:

- Groundwater Model Protocol;

- Groundwater Model Calibration Report; and
- Groundwater Models for both the regional and focused area (CMGM): Calibration (Steady State), Predictive (Transient), and Recovery (Transient), as Groundwater Vistas compiled projects.

This is also a request for agency records, information and files associated with the ongoing development, calibration, and application of the Phase II update of the above identified groundwater flow model (projected project completion date, December, 2012). Specifically, the agency records requested are:


- Water Balance Report;
- Impoundment Study;
- Groundwater Model Protocol;
- Groundwater Hydrologic Technical Support Document (HTSD);
- Groundwater modeling once completed;
- Model Calibration Report (including base flow numbers) once completed;
- Post Modeling Report once completed;
- Surface Water Report once completed; and
- Task 1B & 3B Reports once completed.

Wyoming is willing to pay processing fees associated with this request up to \$2,000.00. Please notify me if the BLM anticipates the processing fees will exceed this amount. For potential fee purposes, Wyoming is an "other requester" as that term is defined by 43 C.F.R. § 2.17(a)(4).

In accordance with 43 C.F.R. § 2.8(a)(1)(ii), Wyoming represents that the agency records it requests contain information potentially relevant to a matter in litigation. That litigation is *Montana v. Wyoming*, No. 137, Original, in the Supreme Court of the United States. Wyoming will deliver proper notice of this request as required by the Special Master in that litigation, and will coordinate with the other States should they desire to review or copy the responsive agency records.

Thank you for your time and consideration of this matter. As provided by FOIA, 5 U.S.C. § 552(a)(6)(A)(i), Wyoming will anticipate receiving a reply to this request within twenty business days of receipt. If you have any questions, feel free to contact me at 307-777-6946, or peter.michael@wyo.gov.

Respectfully,



Peter K. Michael
Chief Deputy Attorney General