

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**

WYOMING'S STATUS REPORT NO. 12

GREGORY A. PHILLIPS
Attorney General of Wyoming

PETER K. MICHAEL*
Chief Deputy Attorney General

JAY JERDE
Deputy Attorney General

JAMES KASTE
Senior Assistant Attorney General

CHRISTOPHER BROWN
Senior Assistant Attorney General

DAVID J. WILLMS
Senior Assistant Attorney General

MATTHIAS SAYER
Assistant Attorney General

ANDREW KUHLMANN
Senior Assistant Attorney General

123 Capitol Building
Cheyenne, WY 82002
(307) 777-6196

**Counsel of Record*

The State of Wyoming presents the following Status Report No. 12 pursuant to Section VII.D. of Case Management Plan No.1:

1. On December 7, 2012, Montana filed its Supplemental Evidence Pursuant to the Memorandum Opinion of the Special Master on Wyoming's Renewed Motion for Summary Judgment.

2. On December 12, 2012, Montana deposed Wyoming water users Greg Benzel and John Engels, and Wyoming State Engineer's Office employee Kimberly French in Sheridan, Wyoming.

3. The Special Master held a status conference on December 13, 2012. During the Status Conference, counsel for Montana stated that Montana would not pursue any claims regarding waters of the Powder River Basin.

4. On December 14, 2012, counsel for Wyoming and Montana conferred by telephone regarding outstanding issues Montana expressed concerning Wyoming's First Supplemental Answer's to Montana's First Set of Interrogatories. Through discussion, counsel were able to satisfy some of Montana's concerns during the telephone call, and Wyoming agreed to provide supplemental information in response to four specific interrogatories.

5. On December 14, 2012, the Special Master served his Supplemental Memorandum Opinion of the Special Master on Wyoming's Renewed Motion for Partial Summary Judgment (Notice Requirement for Damages).

6. On December 17, 2012, Wyoming Assistant Attorney General Matthias Sayer entered his appearance on behalf of Wyoming.

7. On December 17, 2012, Wyoming filed its Notice of Objection and Request for Clarification regarding the Special Master's Supplemental Memorandum Opinion of the Special Master on Wyoming's Renewed Motion for Partial Summary Judgment (Notice Requirement for Damages).

8. On December 20, 2012, Montana filed its Response to Wyoming's Request for Clarification and its Notice of Filing of the Third Declaration of Richard M. Moy.

9. On December 20, 2012, Wyoming Assistant Attorney General Andrew Kuhlmann entered his appearance on behalf of Wyoming.

10. On December 22, 2012, the Special Master served his Memorandum Opinion Regarding Wyoming's Motion for Partial Summary Judgment (Montana's Supplemental Evidence).

11. On December 26, 2012, Wyoming served eight subpoenas on counsel for Montana for eight, private party Montana water users or witnesses.

12. On December 31, 2012, Wyoming issued thirty-two subpoenas for water users in Miles City, Montana.

13. On December 31, 2012, Wyoming provided Montana with the supplemental discovery the States discussed during their December 14, 2012, telephone conference.

14. On January 2, 2013, Wyoming issued nine subpoenas for water users in Forsyth Montana.

15. On January 4, 2013, Wyoming issued thirteen subpoenas for water users in Birney, Billings, Ashland, Belgrade, Baker, Decker, and Worden Montana.

16. Montana's expert reports and other exhibits are due today, January 4, 2013.

Dated this 4th day of January, 2013.

Respectfully submitted,

THE STATE OF WYOMING



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

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the Wyoming Status Report No. 12 was served by electronic mail and by placing the same in the United States mail, postage paid, this 4th day of January, 2013.

Jeanne S. Whiteing
Whiteing & Smith
1628 5th Street
Boulder, CO 80302
jwhiteing@whiteinglaw.com

Jennifer Anders
Montana Attorney General's Office
P.O. Box 201401
Helena, MT 59620-1401
janders@mt.gov

John B. Draper
Jeffrey Wechsler
Montgomery & Andrews
325 Paseo de Peralta
Santa Fe, NM 87501
jdraper@montand.com
jwechsler@montand.com

Jennifer Verleger
North Dakota Attorney General's Office
500 North Ninth Street
Bismarck, ND 58501
jverleger@nd.gov

James J. Dubois
United States Department of Justice
Environmental and Natural Resources
Division of Natural Resources Section
999 18th St. #370 South Terrace
Denver, CO 80202
James.dubois@usdoj.gov

Solicitor General of the United States
US Department of Justice
950 Pennsylvania Avenue, Room 5614
Washington, DC 20530-0001
SupremeCtBriefs@usdoj.gov

Michael Wigmore
Bingham McCutchen, LLP
2020 K Street NW
Washington, DC 20006-1806
Michael.wigmore@bingham.com

Barton H. Thompson Jr.
Susan Carter, Assistant
Jerry yang and Akiko Yamazaki
Environment & Energy Building, MC-4205
473 via Ortega
Stanford, CA 94305-4205
Susan.carter@stanford.edu


Wyoming Attorney General's Office