

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. 5

1. Wyoming received Montana's First Set of Interrogatories, First Set of Request for Production, and First Set of Requests for Admission to Wyoming dated May 4, 2012. Wyoming is working on its responses and objections.
2. Since its last report, Wyoming took four witness depositions by video conference. Wyoming anticipates taking three additional witness depositions before July 15th and is working with Montana counsel to make the necessary arrangements.
3. Wyoming previously asked Montana to supplement some of its answers to Wyoming's first set of interrogatories, and Wyoming received a supplementation from

Montana dated May 4, 2012. Wyoming is considering the adequacy of this supplementation.

4. As related in its last status report, Wyoming discovered from its initial depositions that former Montana officials have poor memories of events related to the Yellowstone River Compact that occurred in the 1980s and 1990s, and that little, if any, documented information exists as to Montana's regulation of Montana water rights. Wyoming has further learned through Montana's First Supplemental Responses to Wyoming's First Set of Interrogatories that Montana is investigating years in which it might claim Wyoming violated the Compact since 1950. Accordingly, Wyoming is considering filing a motion for leave to amend its answer to assert the defense of laches. Wyoming anticipates the possibility of filing such a motion in conjunction with the schedule for Wyoming's renewed motion for summary judgment. Before filing, Wyoming would inquire into Montana's position on such a motion.

5. Pursuant to Case Management Order No. 10, paragraph 2, the parties met and conferred on May 31, 2012, to discuss what discovery can occur during the period from July 15 to September 15, 2012. At this time, no deposition discovery or formal

written discovery requests are contemplated. There are no disagreements requiring the Special Master's involvement at this time.

Dated this 1st day of June, 2012.

THE STATE OF WYOMING



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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the Wyoming's Status Report No. 5 was served by electronic mail and by placing the same in the United States mail, postage paid, this 1st day of June, 2012.

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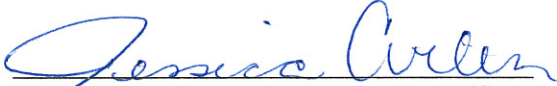
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