

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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**MONTANA'S NOTICE OF SETTLEMENT OFFER**

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August 11, 2016

## MONTANA'S NOTICE OF SETTLEMENT OFFER

1. In Case Management Order No. 16 ("CMO16"), issued May 18, 2015, the Special Master pointed out that "it is the 'Court's often expressed preference that, where possible, States settle their controversies by mutual accommodation and agreement.' *Arizona v. California*, 373 U.S. 546, 564 (1963) (internal quotation marks omitted)." CMO 16 at 2.

2. The Special Master also pointed out in CMO 16 that "a partial settlement, agreeing on the amount of damages that should be awarded, would be beneficial because it would . . . (2) avoid the potential need, if the Court decides to remand the issue of damages to me, to hold a trial on the amount of damages and interest." *Id.*

3. Again at the recent hearing in Denver, the Special Master urged the States to agree, before September 1, 2016, on the form and amount of the damages Wyoming owes Montana for past violations of the Yellowstone River Compact.

4. Accordingly, on August 10, 2016, Montana made a confidential offer of settlement to Wyoming for Montana's damages claims stemming from Wyoming's violation of the Yellowstone River Compact in 2004 and 2006. The settlement offer encompassed only damages for past violations, and did not encompass any of the other relief that Montana seeks in these proceedings.

5. Montana requested that Wyoming respond to Montana by August 22, 2016. Montana will provide the Special Master with updates on this settlement effort as appropriate.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "John B. Draper", written over a horizontal line.

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**CERTIFICATE OF SERVICE**

I certify that copies of Montana's Notice of Settlement Offer was served electronically or by U.S. Mail to the following on August 11, 2016, as indicated below:

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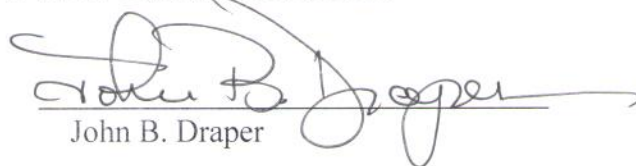
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I further certify that all parties required to be served have been served.

  
John B. Draper