

**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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**OFFICE OF THE SPECIAL MASTER**

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**CASE MANAGEMENT ORDER NO. 7**

**July 6, 2011**

## **CASE MANAGEMENT ORDER NO. 7**

For the purposes of the proceedings before the Special Master, IT IS HEREBY ORDERED THAT:

### **1. Letter Briefs Regarding Wyoming's Compact Obligation**

On or before Wednesday, July 27, 2011, the States of Montana and Wyoming shall file letter briefs addressing the following question:

Do the Supreme Court's May 2, 2011 decision and opinion in this case and/or the First Interim Report of the Special Master preclude Montana's argument that, "subject to any changes in consumption on pre-1950 irrigated acreage," the Compact imposes a "delivery obligation" on Wyoming consisting of "a stateline delivery requirement that varies only with water supply conditions" (Letter Brief of Montana Regarding Bifurcation, June 28, 2011, p. 3)?

The State of North Dakota and amici may file letter briefs on this question if they wish. Any such letter briefs should be filed on or before July 27.

Letter briefs should not exceed 20 pages and should follow the format set out in Paragraph 8 of Case Management Order No. 6.

### **2. July 29 Telephonic Status Conference & Hearing.**

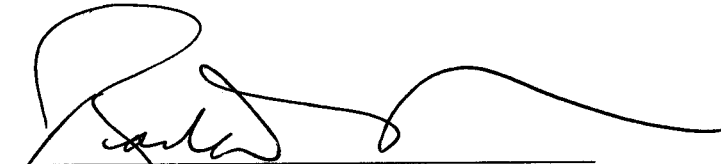
As previously ordered, the Special Master will hold a telephonic status conference and hearing on Friday, July 29, 2011, at 10 a.m. PDT. (Appendix A hereto sets out current deadlines and status conferences.) The agenda for the July 29 status conference and hearing will be:

- Hearing on the question set out in Paragraph 1 of this Order.
- Discussion and resolution of any other issues needed to finalize the Case Management Order.
- Identification of any other legal issues that could be resolved at this stage in order to expedite or focus discovery or otherwise expedite resolution of this case. Montana and Wyoming should be prepared to identify any such issues at the time of the status conference and hearing.
- Any other issues raised by the parties during the status conference and hearing.

### **3. Requests for Modification or Supplementation**

Any requests for modification or supplementation of this Case Management Order should be submitted to the Special Master on or before Monday, July 11, 2011.

Date: July 6, 2011



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Barton H. Thompson, Jr.  
Special Master

Woods Institute  
Jerry Yang & Akiko Yamazaki Environment  
& Energy Building – MC 4205  
473 Via Ortega  
Stanford, California 94305

## APPENDIX A

- July 20, 2011 Submission of lists of issues of fact and law. (Case Management Order No. 6, ¶ 4.)
- July 27, 2011 Joint submission of proposed Case Management Plan, including identification of any provisions (other than those already identified in letter briefs of June 28) on which the parties could not agree. Submission of letter briefs regarding any such provisions. (Case Management Order No. 6, ¶ 5.)
- July 27, 2011 Submission of letter briefs regarding compact obligations. (Case Management Order No. 7, ¶ 1.)
- July 29, 2011 Telephonic status conference and hearing. (Case Management Order No. 6, ¶ 6; Case Management Order No. 7, ¶ 2.)
- Sept. 29, 2011 Telephonic status conference. (Case Management Order No. 6, ¶ 7.)