

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

MONTANA'S STATUS REPORT NO. 4

STEVE BULLOCK
Attorney General of Montana

JENNIFER ANDERS
ANDREW HUFF
Assistant Attorneys General
215 North Sanders
Helena, Montana 59620-1401

JOHN B. DRAPER*
JEFFREY J. WECHSLER
Special Assistant Attorneys General
MONTGOMERY & ANDREWS, P.A.
Post Office Box 2307
Santa Fe, New Mexico 87504-2307
(505) 982-3873
**Counsel of Record*

May 4, 2012

COMES NOW the State of Montana, pursuant to Section VII.D of Case Management Plan No. 1 (December 20, 2011) ("CMP No. 1"), and submits this Status Report No. 4.

1. The week of February 27, 2012, Wyoming reviewed documents in Montana responsive to the Joint Document Production Order ("JDPO"). On April 6, 2012, Montana provided copies of the documents requested by Wyoming.

2. Montana viewed documents responsive to the JDPO at locations in Wyoming on February 22-23 and again on March 26-28. During each of those visits, Montana requested numerous documents pursuant to the JDPO. On April 2-4, Montana received some of the documents that it requested from Wyoming. Although Wyoming was obligated to provide requested documents within 30 days, Montana is still awaiting over half of the documents that it requested in February and March.

3. Wyoming took the following depositions in April in Montana:

April 18, 2012:	Rich Moy
April 23, 2012:	Keith Kerbel
April 24, 2012:	Orrin Farris
April 25, 2012:	Jack Stults
April 26, 2012:	Gary Fritz

4. During the April depositions, Mr. Moy, Mr. Kerbel, and Mr. Stults testified regarding specific years that Montana made verbal calls for water to employees of the State of Wyoming. Based in part on that testimony, Montana intends to inquire from Wyoming whether Wyoming is willing to stipulate to the years for which Montana can seek damages pursuant to the Memorandum Opinion of the Special Master on Wyoming's Motion for Partial Summary Judgment (Notice Requirements for Damages).

5. Wyoming has requested an additional seven depositions of individuals in Montana, and Montana is in the process of inquiring about availability.

6. On April 3, 2012, Wyoming sent a letter to Montana raising certain concerns about Montana's Responses to Wyoming's First Set of Interrogatories. Although Montana maintains that its answers and objections to the interrogatories were proper and complete, in an attempt to address Wyoming's concerns, Montana is providing Wyoming with Montana's First Supplemental Responses to Wyoming's First Set of Interrogatories today.

7. Montana is serving its First Set of Interrogatories, First Set of Requests for Production, and First Set of Requests for Admission to Wyoming today.

Respectfully submitted,

STEVE BULLOCK
Attorney General of Montana

JENNIFER ANDERS
ANDREW HUFF
Assistant Attorneys General
215 North Sanders
Helena, Montana 59620-1401



JOHN B. DRAPER*
JEFFREY J. WECHSLER
Special Assistant Attorneys General
MONTGOMERY & ANDREWS, P.A.
Post Office Box 2307
Santa Fe, New Mexico 87504-2307
(505) 982-3873
**Counsel of Record*

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



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Montana's Status Report No. 4 was served by electronic mail on May 4, 2012, and by placing the same in the United States mail, postage paid, on May 4, 2012, to counsel of record. This Certificate of Service was served by electronic mail on May 4, 2012, and by placing the same in the United States mail, postage paid, on May 4, 2012, to the following:

Peter K. Michael
Jay Jerde
David Willms
Andrew Kuhlmann
The State of Wyoming
Senior Assistant Attorney General
123 Capitol Building
Cheyenne, WY 82002
pmicha@state.wy.us

James Joseph Dragna
Michael Wigmore
Bingham, McCutchen LLP
355 South Grand Avenue Suite 4400
Los Angeles, CA 90071
michael.wigmore@hingham.com

Jeanne S. Whiteing
Attorney at Law
1628 5th Street
Boulder, CO 80302
jwhiteing@whiteinglaw.com

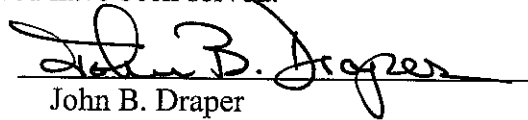
Jennifer L. Verleger
Assistant Attorney General
North Dakota Attorney General's Office
500 North 9th Street
Bismarck, ND 58501-4509
jverleger@nd.gov

William M. Jay
Solicitor General
United State Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001
william.m.jay@usdoj.gov

James 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

Barton H. Thompson, Jr., Special Master
Susan Carter, Assistant
Jerry Yang and Akiko Yamazaki
Environment & Energy Building, MC-4205
473 Via Ortega
Stanford, CA 94305-4205
(Original and 3 copies by U.S. Mail)
susan.carter@stanford.edu

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


John B. Draper