

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 TRIAL EXHIBIT LIST**

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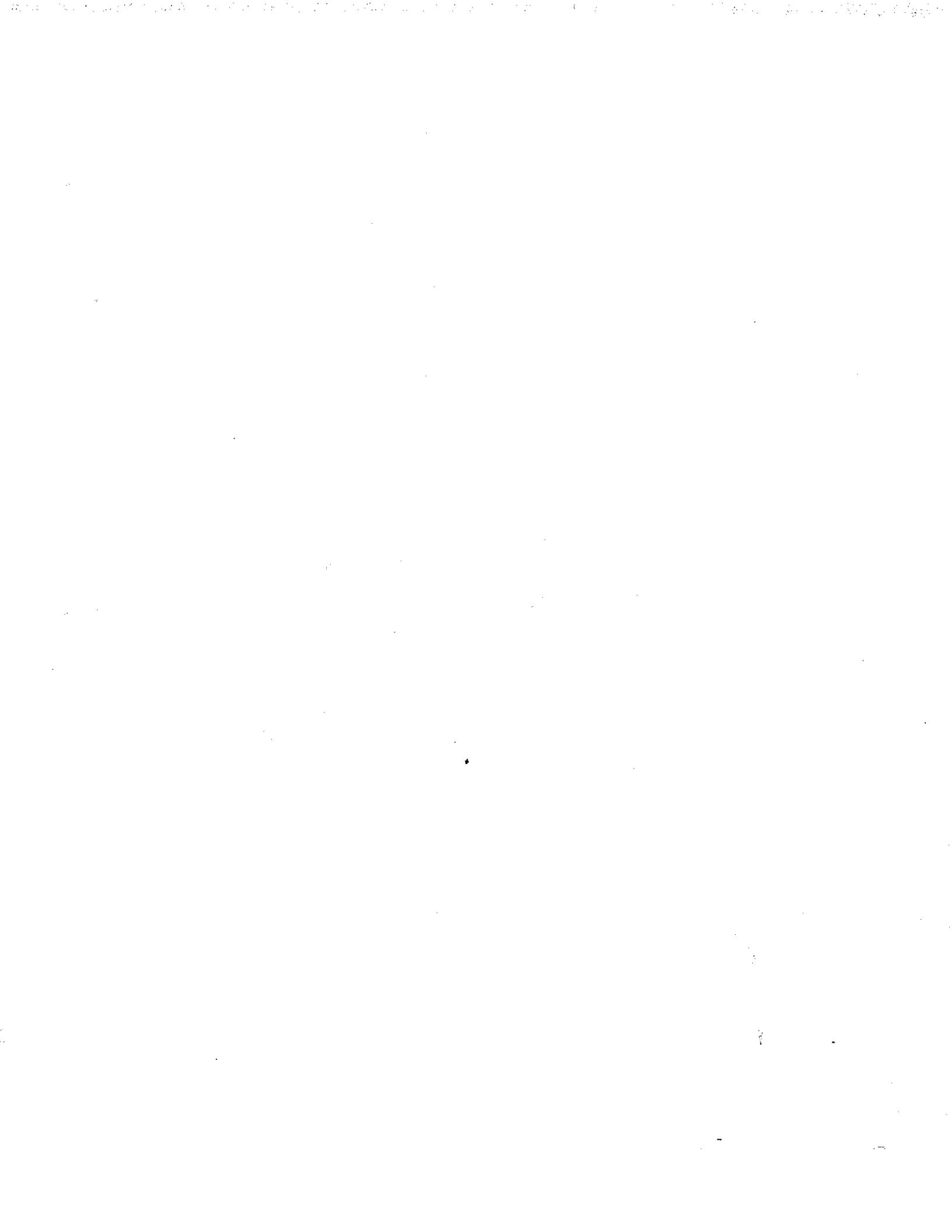
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September 23, 2013



Pursuant to Case Management Order No. 11, Montana submits the attached Exhibit List. In addition to the documents identified on Montana's Exhibit List, Montana reserves the right to use all documents identified by Wyoming on its Exhibit List, all documents identified or produced in discovery, all deposition exhibits, and all documents attached to pleadings in this matter. Moreover, Montana reserves the right to designate rebuttal, impeachment, or demonstrative exhibits as necessary.

Respectfully submitted,

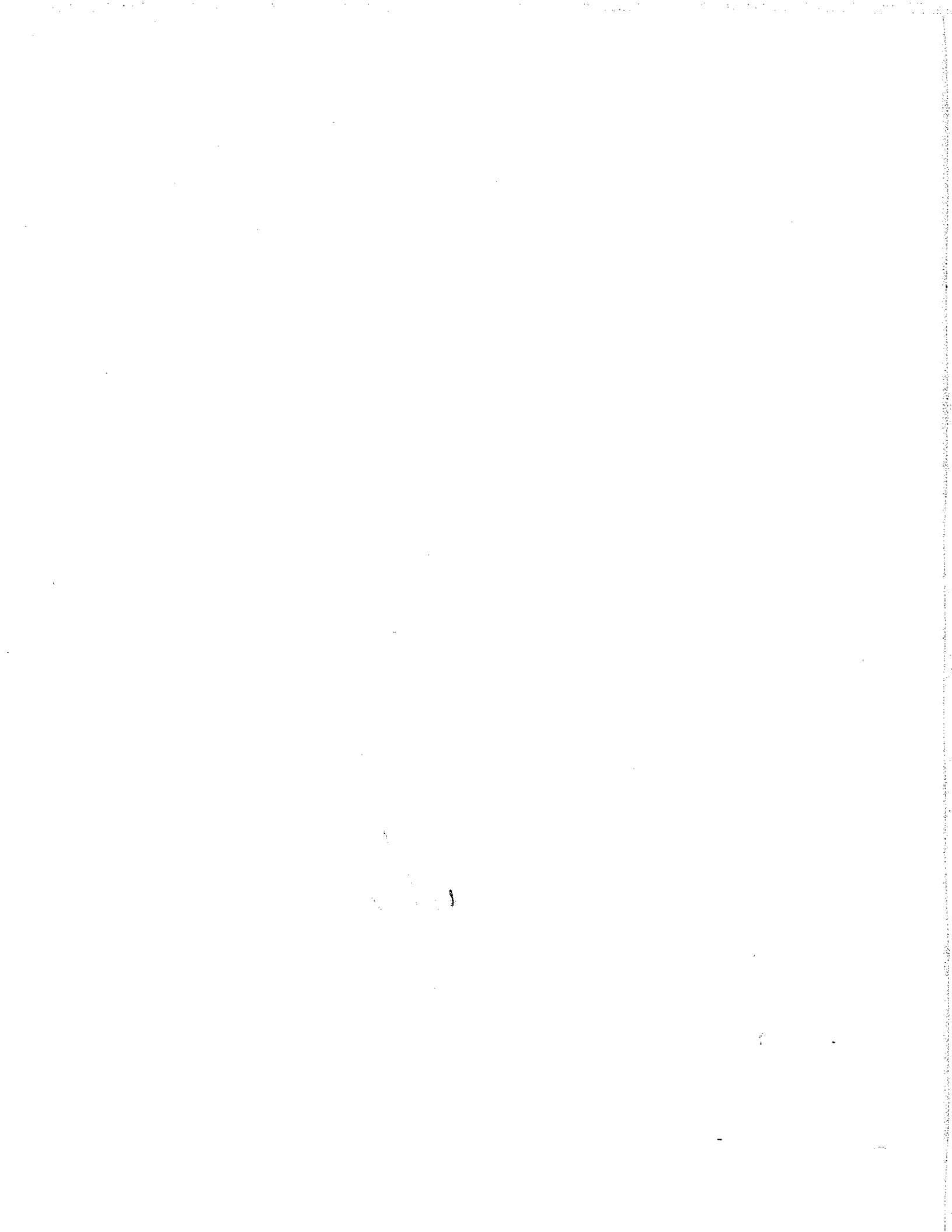
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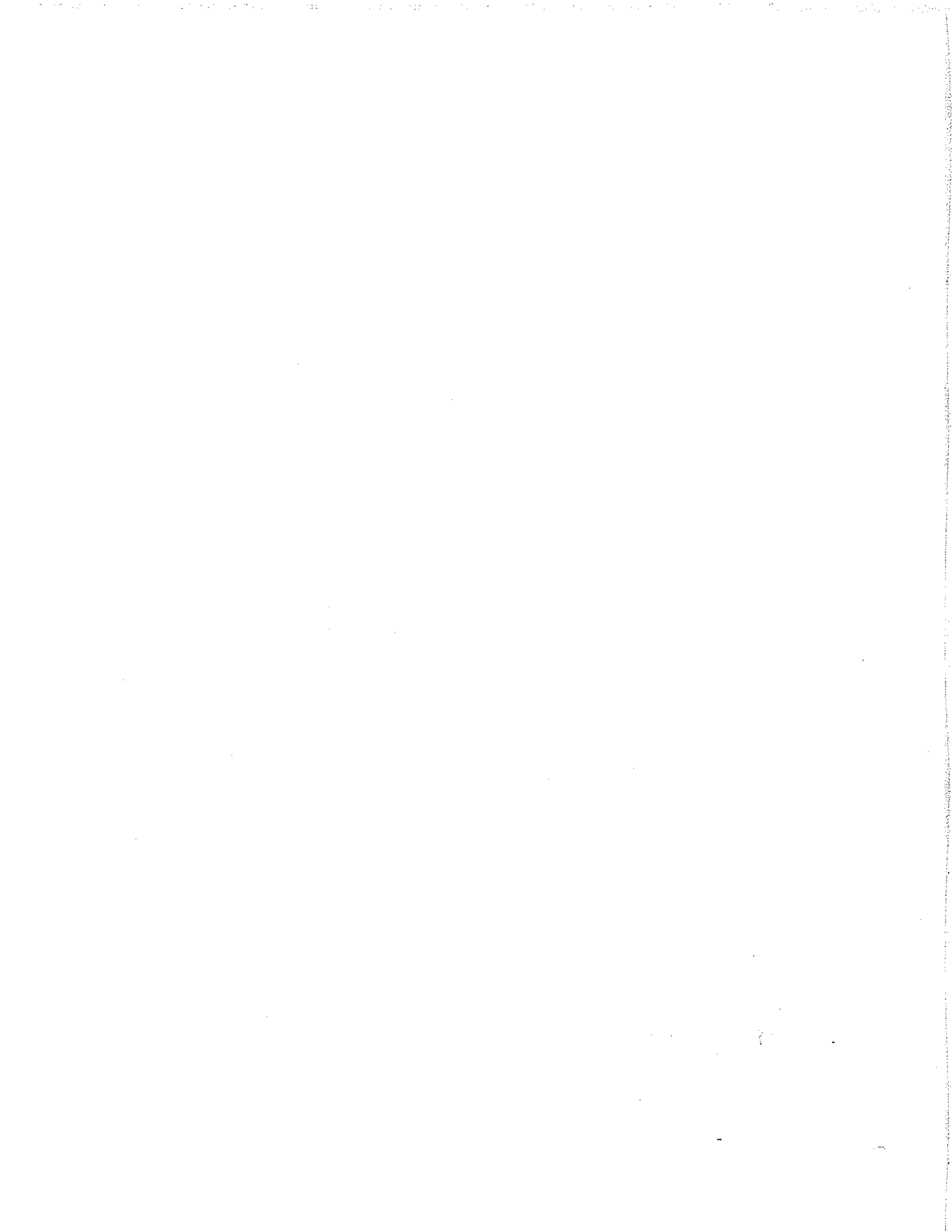
**CERTIFICATE OF SERVICE**

I certify that a copy of *Montana's Trial Exhibit List* was served electronically, and by U.S. Mail on September 23, 2013, to the following:

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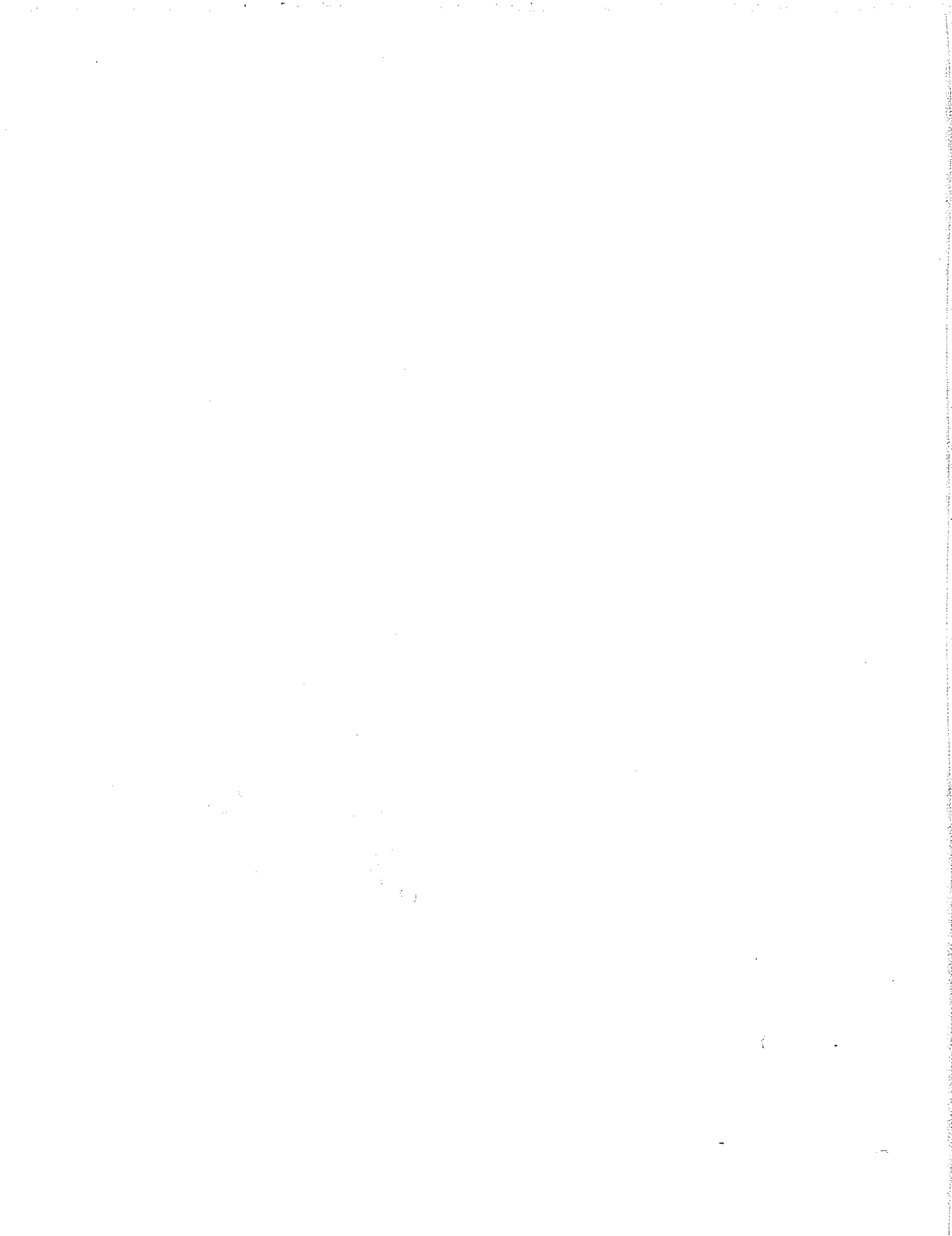
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I further certify that all parties required to be served have been served.

  
\_\_\_\_\_  
John B. Draper





**MONTANA EXHIBIT LIST.**

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
1.	Map of the Tongue and Powder River Basins within the Yellowstone Basin (Appendix A to Montana's Motion for Leave to File Bill of Complaint)					
2.	Reservoirs in the Tongue and Powder River Basins (Appendix B to Montana's Motion for Leave to File Bill of Complaint)					
3.	Expert Report of Kevin Smith					
4.	Rebuttal Expert Report of Kevin Smith					
5.	Expert Report of Dale E. Book					
6.	Expert Rebuttal Report of Dale E. Book					
7.	Gordon Aycock Rebuttal Report					
8.	Expert Report of Richard G. Allen					
9.	Expert Report of Steven Larson					
10.	Expert Rebuttal Report of Steven Larson					
11.	Charles Dalby Expert Report					
12.	Douglas Littlefield Rebuttal Expert Report					
13.	Reserve					
14.	Martner, Brooks E. 1986, Wyoming Climate Atlas ( <a href="ftp://ftpfc.sc.egov.usda.gov/WY/wycnmp/cnmp08b.pdf">ftp://ftpfc.sc.egov.usda.gov/WY/wycnmp/cnmp08b.pdf</a> )					
15.	United States Department of Agriculture, National Agricultural Statistics Service, 2007 Census of Agriculture, Montana State and County Data, Vol 1, Geographic Area Series, Part 26 ( <a href="http://www.agcensus.usda.gov">www.agcensus.usda.gov</a> )					
16.	Water Resources Survey, Montana State Engineer and State Water Conservation Board, "History of Land and Water Use on Irrigated Areas", Big Horn County (1947), Rosebud County (1948), and Custer County (1948) ( <a href="http://dnrc.mt.gov/wrd/water_rts/survey_books/default.asp">http://dnrc.mt.gov/wrd/water_rts/survey_books/default.asp</a> )					
17.	Survey Map of the Yellowstone River Basin, U S Bureau of					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
	Reclamation, 1944					
18.	Tongue River Reservoir Project, Project Yield Analysis, Systems Technology, March, 1984					
19.	Tongue River Project Water Allocation Study Report, Bechtel Corporation. 1968					
20.	Tabulations of adjudicated Water rights in the Tongue River Basin; Bill Knapp, Wyoming Disclosure (WY 28913)					
21.	Banner and Associates, Inc (1985), Tongue River Level I Final Report					
22.	Wyoming Water Planning Program; Report No. 7 – Irrigated Lands Inventory for Wyoming, Wyoming State Engineer's Office, January, 1971					
23.	Entech Inc.; Prairie Dog Creek Watershed Master Plan; November, 2001					
24.	Sheridan Supplemental Supply Study, Level II, Phase I; Dowl HKM, May, 2011					
25.	IDS AWAS Alluvial Water Accounting System, Version 1.5.18, Schroeder Original MT-14499					
26.	Montana Department of Natural Resources and Conservation, Waren, Kirk, (October 7, 1993), "Adequacy of available data for an analysis of the groundwater alternative," Montana disclosure (MT-07349)					
27.	"Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho", Richard G. Allen and Clarence W. Robinson, University of Idaho, September 2006, Revised April 2007					
28.	"Affect of Nitrogen and Phosphorus Fertilizers on Irrigated Perennial "Cool Season Grass Hay Production", Blaine E. Horn, University of Wyoming Cooperative Extension Service, Land & Livestock, January 2010.					
29.	"Ref-ET: Reference Evapotranspiration Calculation Software", University of Idaho and Richard G. Allen, version 3.1.07					
30.	"Irrigation Water Requirements, Technical Release No. 21", USDA,					

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				By Montana	By Wyoming	
	Soil Conservation Service, September 1970					
31.	"Crop Evapotranspiration – Guidelines for Computing Crop Water Requirements – FAO Irrigation and Drainage Paper 56" (FAO-56)					
32.	Montana Water Right Claim Examination Rules Amended by the Montana Supreme Court (Exhibit A), effective December 5, 2006					
33.	IDS AWAS Alluvial Water Accounting System, Version 1.5.18, Schroeder Original					
34.	GIS Aerial Photography and Layers a. National Agriculture Imagery Program (NAIP), 2011 MT-016619 June 4, 2013 22  c. Montana Bureau of Mines and Geology Geological Maps for the Forsyth, Miles City, Lame Deer, Powderville, and Birney 30 x 60 Quadrangles. Open File Nos. 425, 426, 428, 429, and 431. ( <a href="http://www.mbmgs.mtech.edu/gmr/gmr-statemap.asp">http://www.mbmgs.mtech.edu/gmr/gmr-statemap.asp</a> )					
35.	Report to Montana Office of the Attorney General, Dr. Richard G. Allen, PE, Allen Engineering, January 4, 2013					
36.	CH2M Hill, Tongue & Little Bighorn River Basin Project, prepared for State of Wyoming, Governor's interdepartmental water conference; March, 1977					
37.	AECOM Inc., 2009, Update of the Task 1B Report for the Powder River Basin Coal Review Current Water Resources Conditions: prepared for U.S. Bureau of Land Management, High Plains District Office and Wyoming State Office, Wyoming, 193 p.					
38.	Applied Hydrology Associates Inc. and Greystone Environmental Consultants Inc., 2002, Technical Report, Powder River Basin Oil and Gas Environmental Impact Statement: Groundwater modeling of impacts associated with mining and coal bed methane development in the Powder River Basin: prepared for U.S. Bureau of Land Management, Buffalo Field Office, Buffalo, Wyoming, 288 p.					

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				By Montana	By Wyoming	
39.	AECOM Inc., 2011, Powder River Basin Coal Review Impoundment Study: prepared for U.S. Bureau of Land Management, High Plains District Office and Wyoming State Office, Wyoming, 28 p.					
40.	Applied Hydrology Associates Inc. and Greystone Environmental Consultants Inc., 2002, Technical Report, Powder River Basin Oil and Gas Environmental Impact Statement: Groundwater modeling of impacts associated with mining and coal bed methane development in the Powder River Basin: prepared for U.S. Bureau of Land Management, Buffalo Field Office, Buffalo, Wyoming, 288 p.					
41.	Cooper, David J., John S. Sanderson, David I. Stannard and David P. Groeneveld, 2006, Effects of long-term water table drawdown on evapotranspiration and vegetation in an arid region phreatophyte community. <i>Journal of Hydrology</i> (2006) 325 21-34					
42.	Final Report of the Special Master with Certificate of Adoption of RRCA Groundwater Model. <i>State of Kansas vs. State of Nebraska and State of Colorado</i> . Supreme Court of the United States. 126. September 17, 2003					
43.	Payne, Aaron A. and Demian M. Saffer, 2005, Surface Water Hydrology and Shallow Groundwater Effects of Coalbed Methane Development, Upper Beaver Drainage, Powder River Basin, Wyoming. <i>Wyoming Geo-Notes</i> , 80, Special Issue on Coalbed Methane, Wyoming Geological Survey					
44.	Sanderson, John S. and David J. Cooper, Ground water discharge by evapotranspiration in wetlands of an arid intermountain basin. <i>Journal of Hydrology</i> (2008) 351, 344-359					
45.	Allen, R.G., L.S. Pereira, D. Raes, and M. Smith. 1998. "Crop <i>Evapotranspiration: Guidelines for computing crop water requirements</i> ." <i>Irrig. and Drain. Paper</i> 56, Food and Agriculture Organization of the United Nations, Rome, 300 pp.					

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46.	Allen, R.G., M. Tasumi, A.T. Morse, and R. Trezza. 2005b. A Landsat-based Energy Balance and Evapotranspiration Model in Western US Water Rights Regulation and Planning. <i>J. Irrigation and Drainage Systems</i> . 19:251-268.					
47.	Allen, R.G., M. Tasumi and R. Trezza. 2007a. Satellite-based energy balance for mapping evapotranspiration with internalized calibration (METRIC) – Model. <i>ASCE J. Irrigation and Drainage Engineering</i> 133(4):380-394.					
48.	Allen, R.G., M. Tasumi, A.T. Morse, R. Trezza, W. Kramber, I. Lorite and C.W. Robison. 2007b. Satellite-based energy balance for mapping evapotranspiration with internalized calibration (METRIC) – Applications. <i>ASCE J. Irrigation and Drainage Engineering</i> 133(4):395-406.					
49.	Allen, R.G., Pereira, Luis S., Howell, Terry A., Jensen, Marvin E. 2011a. Evapotranspiration Information Reporting: I. Factors Governing Measurement Accuracy. <i>Agricultural Water Management</i> . 98(6):899-920					
50.	Allen, R.G., Pereira, Luis S., Howell, Terry A., Jensen, Marvin E. 2011b. Evapotranspiration Information Reporting: II. Recommended Documentation. <i>Agricultural Water Management</i> . 98(6):921-929. MT-14860					
51.	Allen, R.G., 2008. REF-ET: Reference Evapotranspiration Calculation Software for FAO and ASCE Standardized Equations. University of Idaho, 82 pp. [ <a href="http://www.kimberly.uidaho.edu/ref-et/index.html">http://www.kimberly.uidaho.edu/ref-et/index.html</a> ]					

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52.	Allen, R.G., Tasumi, M., Trezza, R., Kjaersgaard, J.H., 2010. METRIC. Mapping Evapotranspiration at High Resolution. Applications Manual, V 2.0.4. University of Idaho. 166 pp.					
53.	ASCE – EWRI. (2005). The ASCE Standardized reference evapotranspiration equation. ASCEEWRI Standardization of Reference Evapotranspiration Task Comm. Report, available at <a href="http://www.kimberly.uidaho.edu/water/asceewri/">http://www.kimberly.uidaho.edu/water/asceewri/</a>					
54.	Hargreaves, G.H., and Samani, Z.A. 1985. "Reference crop evapotranspiration from temperature." <i>Appl. Eng. in Agr.</i> , 1(2):96-99.					
55.	Hargreaves, G.H. and R.G. Allen. 2003. History and evaluation of the Hargreaves evapotranspiration equation. <i>J. Irrig. and Drain. Engrg.</i> , ASCE. 129(1):53-63.					
56.	Jensen, M.E., R.D. Burman, and R.G. Allen (ed). 1990. "Evapotranspiration and Irrigation Water Requirements." ASCE Man. and Rep. on Engineering Pract. No.70, NYork, 332 p.					
57.	Tasumi, M., R. G. Allen, R. Trezza, J. L. Wright. 2005a. Satellite-based energy balance to assess within-population variance of crop coefficient curves, <i>J. Irrig. and Drain. Engrg</i> , ASCE 131(1):94-109.					
58.	Tasumi, M., R. Trezza , R.G. Allen and J. L. Wright. 2005b. Operational aspects of satellite based energy balance models for irrigated crops in the semi-arid U.S. <i>J. Irrigation and Drainage Systems</i> . 19:355-376.					
59.	Letter from D. Ewart to F. Buck (April 15, 1952)					
60.	Letter from G. Cheney to F. Bishop (Nov. 15, 1967)					
61.	Letter from F. Bishop to W. Rhoads (dated July 14, 1971)					
62.	Letter from G. Christopulos to O. Ferris (dated April 13, 1977)					
63.	Letter from T. Schwinden to E. Herschler, (dated Jan. 1, 1984)					
64.	Letter from E. Herschler to T. Schwinden (dated April 10, 1984)					
65.	Montana-Wyoming Negotiations Powder River (dated October 25, 1985)					

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				By Montana	By Wyoming	
66.	Letter from G. Christopulos to G. Fritz (dated December 13, 1985)					
67.	Letter from G. Fritz to G. Moore (dated January 20, 1986)					
68.	Transcribed Conversation Between G. Moore, G. Fritz, and G. Christopolous					
69.	Memo from R. Moy to G. Fritz (dated December 15, 1986)					
70.	Letter from MT Gov. to WY Gov. re adverse impact to MT from contemplated WY development (01/03/1984) - (WY 099906 - 099909)					
71.	HJR 35 - EQC Briefing (September 2004) (MT 13298-13300) (Depo. Exh. 157)					
72.	R.C. Williams, "Outline of a Computational Procedure for Allocation of Yellowstone River Water" (dated Nov. 11, 1971)					
73.	Letter from O. Ferris to W. Scott (dated Dec. 31, 1974)					
74.	Letter from O. Ferris to G. Christopulos (dated March 2, 1976)					
75.	Draft Water Management Model for the Yellowstone River Basin					
76.	Memo from R. Moy to G. Fritz (dated June 1, 1981)					
77.	Reserve					
78.	Letter from L. Allen to D. Ashenberg (dated June 30, 1983)					
79.	Letter from G. Fritz to G. Christopulous (dated October 27, 1983)					
80.	Undated Summary of Hydrography, Computer Calculations					
81.	Notes on Gary Fritz's Letter of October 27, 1983, on Yellowstone Compact Allocation and Administration - (WY-000080-89)					
82.	Letter from Gary Fritz to George Christopulos, 10/27/1983 - WY-00090-95)					
83.	Letter from Louis Allen to Craig Cooper, 7/21/1983 - (WY-000112-113)					
84.	Letter from Craig Cooper to Louis Allen, 7/14/1983 - (WY-000114-116)					
85.	Letter from Louis Allen to Dan Ashenberg, 6/30/1983 - (WY-000117-118)					
86.	Notes on YRC Water Allocation, Louis E. Allen, 6/23/1983 - (WY-					

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				By Montana	By Wyoming	
	000119-122)					
87.	Letter from John Buyok, Louis E. Allen to George Christopulos, 6/22/1983 - (WY-000123-125)					
88.	Draft Proposal for the Formulation of a Cooperative Plan Based on Stream Flow Forecasting to Administer the Yellowstone River Compact - (WY-000126-140)					
89.	Summary Notes on December 14, 1984, Meeting in Sheridan to Discuss Ashenberg's Tongue River Allocation Example, 9/20/1984 - WY-000148-152					
90.	Letter to G. Christopulos from Gary Fritz, enclosing example Tongue River Apportionment, 9/20/1984 - (WY-000167-212)					
91.	Letter to John Shields, from Dan Ashenberg, enclosing materials, 4/2/1983 - (WY-000334)					
92.	List of Pending Matters within the Yellowstone River Basin - (WY-000518-519)					
93.	Proposal for Administration, 11/9/1979 - (WY-004831-4838)					
94.	Letter to G. Christopulos from Frank Trelease, re: answering MT questions, 2/27/1976 - (WY-005288-5292)					
95.	Draft Proposal for A Water Management Model for the Yellowstone River Basin, 4/12/1977 - (WY-005960-5985)					
96.	Letter to Orrin Ferris from G. Christopulos, re: "Issues and Questions," 4/13/1977 - (WY-005986-5990)					
97.	Draft Report, A Cooperative Plan to Administer the YRC, Dan Ashenberg, 11/1983 - (WY-011285-11377)					
98.	Outline of a Computational Procedure for Allocation of Yellowstone River Water, 11/11/1971 - (WY-01850-18575)					
99.	Reserve					
100.	Letter to Mike Whitaker from Gordon Fassett re: Unpermitted Stock Reservoirs in Hanging Woman Creek Drainage, 7/11/1988 - (WY-018695-18696)					



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101.	Memo from MT SEO – Montana's draft "History of the YRC" (02/28/1990) – (WY 081316-081352)					
102.	Memo from interstate streams engineer to WY SE re MT's Article V Admin. Methodology (04/01/1986) (WY 084227-084242)					
103.	Letter from MT DNRC to WY SEO re minutes/agenda of 5/17 meeting (5/20/1983) – (WY 084337-084362)					
104.	Letter from WY SEO to MT DNRC re issues and questions for discussion on YRC (04/13/1977) – (WY 084421-084425)					
105.	Memo from WY SEO to YRCC file re compact administration (12/31/1974) – (WY 084452-084457)					
106.	Memo to file Trelease re YRC – Rich Moy's comments, Dec., 2, 1982 (12/07/1982) – (WY 102083 – 102086)					
107.	Issues and Questions for Discussion Yellowstone River Compact (11/12/75 YRCC meeting) (WY 106065 – 106067)					
108.	Letter from Richard Moy to G. Pike (10/22/82) (WY 048014 – 048015)					
109.	Memo from F. Trelese to F. Bishop re notes on BechtelTongueRiver Water Allocation Study (11/14/68) (WY 048155 – 048156)					
110.	Letter to Grady Moore/Gary Fritz from Wyoming OSE re Allocation of water to be stored in Middle Fork Reservoir under the YRC (12/13/85) (WY 000395-396) (Depo. Exh. No.104)					
111.	Letter to Gordon Fassett from Gary Fritz re draft of YRC Commission's "Status Report and Work Plan" (9/9/88) (WY 018716 – 18719) (Depo. Exh. No.112)					
112.	Investigations Needed on the Interstate Tributaries of the Yellowstone River (11/6/03) (MT-01153-1159) (Depo. Exh. No.192)					
113.	Draft Work Plan, YRC Technical Arguments (12/18/03) (MT-13087-13088) (Depo. Exh. No.193)					
114.	Montana's Perspective on the Yellowstone River Compact in the 1990's (MT-12865-12868) (Depo. Exh. No.196)					
115.	Memo to Larry Marshall from Chuck Dalby re YRC Status – Tongue					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
	River (2/24/89) (MT-01461-01462) (Depo. Exh. No.197)					
116.	Letter with attachments 1-27-1983 from D Ashenberg to Phillip E Farnes (MT-00035 – 00039)					
117.	Memorandum 6-1-1981 from Rich Moy to Gary Fritz (MT-00040 – 00042)					
118.	Memo from G. Fritz to T. Doney re YRC RFP (Newell Anderson) (7/25/79) (MT-00043 – 00047)					
119.	Letter from Earl Lloyd to Em J. VanCamp (11/17/64) (MT-00105 – 00109)					
120.	Letter-03-2-1976-Orrin Ferris To George Christopulos (MT-00195 – 00199)					
121.	Memorandum-02-24-1989-From Chuck Dalby To Larry Marshall- Yellowstone River Compact Status-Tongue River (MT-01461 – 01462)					
122.	Report-Analysis-Yellowstone River Compact-11-29-1989 By Rich Moy (MT-01461 – 01462)					
123.	MT-10775 - 10775_Figure 2 Flow Diagram Proposed Method Compact Administration					
124.	MT-10783 - 10783_Ltr Fritz from Fassett re stock reservoir in Hanging Woman_09-19-1988					
125.	Declaration of Richard Moy					
126.	Second Declaration of Richard Moy					
127.	Third Declaration of Richard Moy					
128.	Declaration of Jack Stults					
129.	Second Declaration of Jack Stults					
130.	Declaration of Douglas R. Littlefield, Ph.D					
131.	MT Proposed YRCC Resolution, 12/6/2006 - WY-027396-027398					
132.	Reserve					
133.	Summary of WY/MT meeting to discuss water supply issues in TRB (01/16/2002) – WY 100274 - 100275					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
134.	Email from Lowry to Whitaker re call with Keith Kerbel, MT interested in looking at operational issues above TRR, and compact admin – need for tech comm meeting (11/19/2001) – WY 104911					
135.	Summary of meeting b/w MT and WY to discuss water supply issues in the TRB (01/16/2002) – WY 107431					
136.	Letter from G. Forte to G. Christopoulos (5/4/82) with handwritten notes (WY 048184 – 048198)					
137.	Memo from C. Stiles to Tongue River Advisory Committee re minutes from TRAC meeting on May 15, 2002 (6/8/02) (WY 045254 – 045256)					
138.	Sue Lowry minutes of January 2002 YRCC Technical Committee					
139.	Letter to Mike Whitaker from Gordon Fassett re Unpermitted Stock Reservoirs in Hanging Woman Creek Drainage (7/11/88) (WY 018695-018696) ((Depo. Exh. No.107)					
140.	Letter to Gary Fritz from Gordon Fassett re 1986 report by Louis Allen (9/9/88) (WY 018693-WY018694) (Depo. Exh. No.108)					
141.	MT-01095 - 01096_Letter-05-23-2002-From Jack Stults to Norma Bixby					
142.	MT-01097 - 01097_Letter-05-03-2002-From Art Hayes to Jack Stults					
143.	MT-01098 - 01099_Letter-05-07-2002-From Bud Clinch to Art Hayes					
144.	MT-01100 - 01101_Letter-05-06-2002-From Norma Bixby to Jack Stults					
145.	MT-10883 - 10884_Summary of MT-WY Meeting re Water Supply Issues 01-16-2002					
146.	Email from Pat Tyrrell to Jack Stults, re: Status, 6/16/2004 - WY-018753					
147.	Keith Kerbel call notes, 6/18/2004 - WY-018754-18756					
148.	MT/WY Conference Call Agenda, 6/30/2004 - WY-018757-18761					
149.	Letter to Jack Stults from Pat Tyrrell, re: June 30, 2004 Call, 7/6/2004 - WY-018762-18764					
150.	2004, 2006 Correspondence, documents - WY-018765-19031					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
151.	Tongue River Mean Flows, 2001-2004 - WY-027456					
152.	Acre-Feet of Storage/Acres Irrigated-1950 - WY-027457					
153.	Table-Annual Summary of Contents for YRC Reservoirs or Lakes in Acre-Feet (Tongue), 2005, 2006 - WY-027575					
154.	Tongue River Schematic - WY-027592-027593					
155.	Tongue River Mean Flows at USGS Gaging Stations, 1964-2003 - WY-027594					
156.	Tongue River Seasonal Flows, in AF, 1986-2003 - WY-027602-27605					
157.	Privileged and Confidential Briefing for Gov. Freudenthal from P. Tyrrell, 6/10/2004, re: Meeting with Montana (6/10/2004) - WY-028042-028043					
158.	WY SEO Bulletpoints for call with Gov. Schweitzer on 6/27/2005 - WY-028048					
159.	Draft Management Plan, Tongue River, 6/28/2004 - WY-028339					
160.	E-mail to Sue Lowry from Keith Kerbel, re: WY Duty of Water, 1/1/2004 - WY-028361					
161.	Memo to Bob Davis, USGS, From Jack Stults, re: MT Comments on 12/6/2004 Draft Minutes, 3/2/2005 - WY-028557-28558					
162.	Wyoming Reservoirs, pre-1950, post-1950 capacity, 2004 storage - WY-028602					
163.	Questions for Montana at 6/10 Meeting, 6/9/2004 - WY-028614-28615					
164.	Seasonal flows, AF, 1984-2002 - WY-028668					
165.	Seasonal CFS, 1984-2003 - WY-028670-28672					
166.	E-mail from Sue Lowry to Jack Stults, re: 1973 WY Water Planning Doc - WY-028813					
167.	Michael Whitaker to Sue Lowry re Fwd: FW:Water Rights Information - WY 028627					
168.	Patrick Tyrrell to Jack Stults re Legal issues - WY 028632					
169.	SEO's bullet points for call with Schweitzer (06/27/2006) - WY 100277 - 100277					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
170.	Briefing for Governor re Montana's call under YRCC by Tyrrell (06/14/2004) – WY 100278 – 100280					
171.	Briefing for Governor re Montana's call under YRCC by Tyrrell (06/29/2004) WY 100281 – 100283					
172.	Email from Tyrrell copying Stults re YRC issues (07/29/2004) – WY 103343					
173.	Letter from J. Stults to P. Tyrrell re request for information (7/19/04) WY 103347 - 103348					
174.	Privileged Draft – Potential Items for TR Basin Management Plan (06/28/2004) – WY 103754-103755					
175.	Wyoming Reservoirs; Sheet 1 (created 3/24/05) ((Depo. Exh. No. 7)					
176.	Wyoming Reservoirs (Depo. Exh. No.11)					
177.	Little Goose Creek 2006 (created 1/15/97) (Depo. Exh. No. 26)					
178.	Big Goose Creek (created 1/12/97) (Depo. Exh. No. 27)					
179.	Canyon Flows Compared to State Line Flows (created 1/15/97) (Depo. Exh. No.28)					
180.	Annual AF (From Canyons and at State Line) (created 6/14/04) (Depo. Exh. No. 29)					
181.	Storage Acrual AF (created 6/24/04) (Depo. Exh. No. 30)					
182.	Seasonal CFS (creataed 6/16/04) (Depo. Exh. No. 31)					
183.	Questions for Montana t 6/10 Meeting (6/9/04) (WY 018824-018825) (Depo. Exh. No. 118)					
184.	Irrigated Lands in MT and WY (4/24/12) (WY-029511) (Depo. Exh. No. 133)					
185.	Memo to Sue Lowry from H. McFadden re YRC legal theories (undated) (WY028910- 028911) (Depo. Exh. No. 134)					
186.	Email from Marty VanCleave to Jack Stults re Interstate Water Flows May 17 <sup>th</sup> (5/17/04) (MT-13285) (Depo. Exh. No. 184)					
187.	Talking Points for the Governor (5/13/04) (MT-01397) (Depo. Exh. No. 186)					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
188.	MT-01130 - 01130_Draft-Preliminary Discussions Only-of Table-Wyoming Reservoirs-06-08-2004					
189.	MT-01147 - 01152_Three documents-Testimony Before The Senate Natural Resources Committee-House Joint Resolution 35 (4/23/03)					
190.	MT-01153 - 01159_Report-Investigations Needed on the Interstate Tributaries of the Yellowstone River 11/6/2003					
191.	MT-01389 - 01393_Typed Notes-Not for Distribution-Meeting Summary-Yellowstone River Compact-06-10-2004					
192.	MT-01394 - 01395_Typed Notes-Draft Not for Distribution Meeting Summary-06-30-2004					
193.	MT-01408 - 01432_Memo-Attached Maps-Charts-Memoranda-08-08-2006-Chuck Dalby To Rich Moy					
194.	YRCC meeting notes, 4/26/1982 - WY-000072-79					
195.	Memo to Jeff Fassett, from John Shields, re: YRCC Meeting April 17-18, 1984, 4/25/1984 - WY-000284-287					
196.	Handwritten Notes re: YRCC Special Meeting, 4/17/1984 - WY-000288-294					
197.	LEA YRCC Meeting Notes, 1/4/1984 - WY-000378-382					
198.	State Engineer's Notes of YRCC Meeting (conference call), 12/16/1986 - - WY-000431-453					
199.	Notes re: YRCC Tongue River Technical Committee Meeting, 11/4/1982 - WY-000670-671					
200.	YRCC Tongue River Technical Committee Notes, 7/19/1982 - WY-000725-727					
201.	Status of Water Rights on Indian Reservations, YRCC Special Meeting, 5/6/1971 - WY-004628-4632					
202.	YRCC Special Session minutes, 4/18/1977 - WY-004801-4809					
203.	YRCC Compact Administration Subcommittee notes, 7/19/1977 - WY-004812-4813					
204.	YRCC Annual Meeting Minutes, 11/9/1977 - WY-004814-4818					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
205.	YRCC Annual Meeting Notes, 11/26/1985 - WY-004918-4933					
206.	YRCC 4/15/2004 Meeting Agenda, - WY-018732					
207.	YRCC Technical Committee Meeting Minutes, 4/14/2004 - WY-018727-18731					
208.	YRCC Meeting Agenda, 6/10/2004 - WY-018752					
209.	YRCC Technical Committee Meeting Agenda, 4/25/2005 - WY-027357					
210.	YRCC Technical Committee Meeting Agenda, 4/12/2006 - WY-027358					
211.	YRCC Annual Meeting Agenda, 12/6/2006 - WY-027360					
212.	YRCC Technical Committee Meeting Minutes, 4/12/2006 - WY-027361-27365					
213.	YRCC Technical Committee Meeting Minutes, 4/25/2005 - WY-027376-27378					
214.	Draft YRCC Meeting Minutes, 12/6/2006 - WY-027407-027420					
215.	YRCC Technical Committee Meeting Minutes, 4/14/2004 - WY-027694-27698					
216.	Reserve					
217.	Memo to Jeff Fassett from John Shields re YRCC meeting 4/17-18, 84 (WY 000284-000287) (Depo. Exh. No.103)					
218.	Meeting Notes for the YRCC 11/8/88 meeting (WY18713-018715) (Depo. Exh. No.109)					
219.	YRCC Technical Committee 4/14/04 (WY-035629-035632) (Depo. Exh. No.136)					
220.	Draft Meeting Summary MT/WY YRC (6/10/04) (MT-01389-1393) (Depo. Exh. No.155)					
221.	Meeting Summary MT/WY YRC via teleconference (6/30/04) (MT-01394-1395) (Depo. Exh. No.156)					
222.	YRCC Technical Committee Discussions (5/25/05) (MT-13475-13478) (Depo. Exh. No.158)					
223.	(Depo. Exh. No.159)					
224.	MT-10750 - 10751_Memo Billings Regional Office from Kerbel re					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
	YRCC meeting 01-07-1999					
225.	MT-10899 - 10908_Report of Meetings 2004					
226.	MT-10910 - 10914_Minutes Technical Committee_04-14-2004					
227.	Water Projects Bureau – Montana DNRC					
228.	Declaration of Tim Davis					
229.	MT DNRC Water Commissioner Training Manual (03/01/2009) – WY 101611 - 101653					
230.	Water Rights in Montana (April 2012)					
231.	(Depo. Exh. No.216					
232.	DNRC Organizational Charts					
233.	Adjudication Map					
234.	MT-06599 - 06599_Map-Color-Tongue and Powder River with Tributaries in MT					
235.	MT-06723 - 06724_Irrigation Examination for Basin 42C					
236.	MT-06761 - 06776 Offenkranz Irrigation Examination for Basin 42C					
237.	Engineering Report					
238.	Letter from F. Stermitz to H.L. Buck (dated Feb. 8, 1954)					
239.	Letter from P. Rechard to F. Buck (dated Jan. 29, 1958)					
240.	Memo from C. Heidel to F. Stermitz (dated Oct. 4, 1962)					
241.	Letter from G. Fritz to W. Scott (with a copy to G. Christopolus) (dated April 26, 1978)					
242.	Declaration of Chuck Dalby (July 13, 2012)					
243.	Miles City decree, District Court of the now 16th, formerly 17th, Judicial District of the State of Montana in and for the county of Custer, 1914					
244.	Acreage Summary by Quadrangle Tongue River Up-Date - WY-000030-57					
245.	Letter from Louis E. Allen, Wy Water Resources Engineer to Diana Stiz, MT DNRC, 4/6/1981 - WY-000058					



Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
246.	Table 2.1-1 Summary of Tongue River Allocation Investigations - WY-000675-676					
247.	Memo to File, re: Tongue River Compact and Water Supply Studies, 12/3/1976 - WY-000715-724					
248.	Annual Report of the Wyoming State Engineer, 1977 - WY-000794-798					
249.	YRC, Tongue River Basin supply, needs calculations, 5/16/1978 - WY-005468					
250.	MT State Engineer's Office, Water Resources Survey, Irrigation Summary for Clarks, Big Horn, Tongue, Powder, 1950 - WY-006105-6157					
251.	Appendices: Tongue and Little Bighorn River Basin Project, CH2M Hill, 2/11/1977 - WY-014577-14616					
252.	Reserve					
253.	Letter to Rick Devore, from John Buyok, enclosing back up info on Wy Irrigation on Tongue River, 9/30/1982 - WY-018682-18683					
254.	YRCC, Irrigated Acreage in Montana as of 1/31/1950 - WY-018270-18724					
255.	Review of Bechtel Report on Tongue River Project, 4/6/1970 - WY-022125-22138					
256.	Tongue River in Montana, Diversions, sorted by location, priority date, water right, 4/26/2012 - WY-027458-027473					
257.	Irrigated Lands, MT-WY, 1949-2002 - WY-027496					
258.	MT Tongue River Rights, as of 6/9/2004 - WY-028570-28576					
259.	Letter from WY SEO to Wright Water Engineers re receipt of memos on MT water rights, attachments (1982-1983) - WY 083966-084979					
260.	Letter from MT DNRC to USGS re estimates of irrigated lands etc. in MT portion of Tongue (04/26/1978) - WY 084393-084408					
261.	Memo to file from Trelease/Lehr re Tongue River Compact and Water Supply Studies (12/03/1976) - WY 099819-099828					
262.	Letter from HKM to Tavelli re water availability under strict admin of					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
	YRC and Belle Fourche Compact (09/18/2001) – WY 099863 - 099863					
263.	Memo from Sommers to Fassett re MT irrigated agriculture water demands (10/18/1982) – (WY 100154 – 100163)					
264.	Water Rights in Montana – DNRC (2004) - WY 106187 - 106255					
265.	Reserve					
266.	Letter from W. Long to F. Bishop re Bechtel Study (1/24/68) (WY 048158 – 048159)					
267.	Decree of the Waters of Tongue River, Docket No. 2809, and Modified Supplemental Judgment and Decree entered on the 20 <sup>th</sup> day of May, 1914					
268.	Supplemental Water Requirement for Montana's Portion of the Tongue River Basin					
269.	MT-00013 - 00015 Letter with attachments 12-17-1971 from Lawrence M Zanto					
270.	MT-00070 - 00085 Memorandum with attached charts and tables 4-11-1978 from Glenn R Smith					
271.	MT-00123 - 00126 Letter and attachments 1-24-1950 from GERALD J Oravetz Asst State Engineer					
272.	MT-00739 - 00833 Binder Clipped-Reports-Charts-Notes					
273.	MT-01126 - 01129 Tables-Information about Irrigated Lands Totals on Tributaries and Creeks					
274.	MT-10920 - 10920 Decree of Waters of Tongue_ 05-20-1914					
275.	Reserve					
276.	Declaration of Karen Barclay Fagg					
277.	Declaration of Art Hayes, Jr.					
278.	Tongue River Dam Manual for Operations and Maintenance (Revised January 2004), State Water Projects Bureau Water Resources Division, Montana Department of Natural Resources and Conservation					
279.	1996 Tongue River Basin Project Final Environmental Impact statement, March 1996.					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
280.	Kelly Report 1960					
281.	The Tongue River Dam Project, Summary Report 1980					
282.	Detailed Report of All Projects – 1934-1940					
283.	Letter from Dick Karp (STI) to YRCC, enclosing Water Supply Analysis for Tongue River Project, 7/9/1982 - WY-000538-547					
284.	Documentation and Supporting Data for the Tongue River Project Direct Flow Right for Winter Stock Watering, 12/1982 - WY-000600-601					
285.	Letter from Dick Karp enclosing revised water supply analysis for Tongue River Project, 8/6/1982 WY-000686-697					
286.	Notes re: Tongue River Reservoir, gauge readings - WY-005480-5486					
287.	Inspection Report for Tongue River Dam, 9/2/1975 - WY-005506-5509					
288.	Letter from BOR re winter release operation agreement for Buffalo Bill Res. (7/14/2004) – WY 078589-078596					
289.	Memo from BOR to South Platte River Projects re 1982 reservoir operations summaries for Boysen and Buffalo Bill Reservoirs (11/04/1982) WY 080942-080960					
290.	MT Water Res. Bd. Tongue River Project Water Allocation Study (1967) – WY 086019-086191					
291.	Documentation and Supporting Data for Tongue River Project Direct Flow Right for Winter Stock Watering (12/01/1982) - 101930 – 101964					
292.	Letter from J. Buyok to G. Aycock re Yellowtail Reservoir (11/8/82) (WY 048176 – 048177)					
293.	Handwritten notes re Yellowtail Reservoir operations (WY 048199 – 048200)					
294.	DRC Docs re Reservoir Claim No. 42B119380 (10/07) (WY 045812 – 045817)					
295.	Memo from Igor Suchomel, Hydrologist to Senator Joseph Mazurek, Chairman Northern Cheyenne Negotiating Team re Conditions imposed on water use in the Tongue River Basin RWRCC counterproposal to the					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
	Northern Cheyenne Tribe (9/26/90)					
296.	Memo Susan Cottingham, Program Manager to Joe Mazurek, Chair, Northern Cheyenne Negotiating Team re Issues Needing Resolution/Clarification by Drafting Team (2/13/91)					
297.	Memo B. Bucher, LSE to S. Holnbeck, DNRC re Computer verification of Northern Cheyenne Compact proposal of September 12, 1990 (9/24/90)					
298.	Drafting Session notes (2/20/91)					
299.	Memo B. Bucher, LSE to S. Holnbeck, DNRC re Computer verification of Northern Cheyenne Compact proposal of September 12, 1990 (9/24/90)					
300.	USGS Surface-Water Monthly Statistics for the Nation – USGS 063007500 Tongue River at Tongue R Dam near Decker Mt (updated September 2012)					
301.	Letter to Governor Brian Schweitzer (undated, unsigned) with undated/unsigned letter with handwritten notes from Jeff Hagener					
302.	Master's Report re Matter of Adjudication of rights – Jefferson River					
303.	Letter to Senator Jack E. Galt from Tongue River Water Users Association (2/20/90)					
304.	Letter to Glen McDonald Montana DNRC from BOR re review Comments on Water Supply and Yield Analyses for the Tongue River Dam Rehabilitation Study, Montana (State Project) (Water Supply Study) (8/2/91)					
305.	Tongue River Project Modification Feasibility Study (October 1976)					
306.	Draft Tongue River Water Model (Instream) (9/27/91)					
307.	Tongue River Modeling Study Final Report (7/20/90)					
308.	2005 Gillette Article about unregulated reservoirs					
309.	Historical and Proposed Operation of Tongue River Reservoir (10/19/67) (MT-03293-3300) (Depo. Exh. No. 174)					
310.	Documentation and Supporting Data for the Tongue River Project					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
	Direct Flow Right for Stock Watering (12/82) (MT-03298-3300) (Depo. Exh. No. 190)					
311.	Art Hayes letter to Water Users (5/22/02) (MT-015734- 15293) (Depo. Exh. No. 202)					
312.	Charles Gephart letter to Clerk of Court re listing of stored water consumption by the TRWUA (10/2/06) (MT-015538-15540) (Depo. Exh. No. 201)					
313.	Reserved					
314.	Hayes/Helm/Kepper Letter to Water Users re lack of moisture (MT-015740) (Depo. Exh. No. 203)					
315.	Memo Melvin McBeath to Richard Bondy re Claim of esixting water rights for DNRC irrigation project number 29 (4/16/82) (MT-12536-12541) (Depo. Exh. No. 206)					
316.	Operating Plan for the Tongue River Reservoir (MT-15105-15111) (Depo. Exh. No. 303)					
317.	Contract Between the DNRC and Decker CoalCo. For Furnishing Water for Industrial Use (WY-041102-041111) (Depo. Exh. No. 307)					
318.	Letter from Michael Whitaker to Jim Wagner re Kearney Lake (9/4/01) WY-030351 – 037182) (Depo. Exh. No. 330)					
319.	Master's Report and Abstract for Painted Rocks Dam					
320.	Middle Creek Dam Manual for Operation and Maintenance					
321.	East Fork of Rock Creek Dam Manual for Operation and Maintenance					
322.	Deadman's Basin Dam Manual for Operation and Maintenance					
323.	Cooney Dam Manual for Operation and Maintenance					
324.	Ruby Dam Manual for Operation and Maintenance					
325.	Low Flow and Below 240 cfs 1978 to 1990					
326.	Misc operating reports 1942					
327.	Misc operating reports dam tender 1940					
328.	Operating reports August 1943 to 1944					
329.	Operating reports Dec 1942 to Feb 1943					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
330.	Operating Reports Feb and April 1943					
331.	MT-03293 - 03300 Report and Tables Historical and Proposed Operation of Tongue River Reservoir 10-19-1967					
332.	MT-03943 - 04044 Report-Tongue River Project-Water Allocation Study 1968					
333.	MT-04474 - 04479 Letter-11-23-1949 To Fred Buck ( <i>Duplicate?</i> )					
334.	MT-04807 - 04888 Report-Draft-Tongue River Water Model 7-9-1991					
335.	MT-04889 - 05346 Tongue River Basin Project March 1996 EIS					
336.	MT-07345 - 07348 Tongue River Water Purchase Contract List					
337.	MT-07369 - 7373 Tongue River Water Board 2006 Meeting 11-2-2006					
338.	MT-07430 - 07436 Memorandum 3-29-1990 from Bill Greiman to Susan Cottingham					
339.	Letter from O. Ferns to DNRC with supplemental info on DNRC's Tongue River water reservoir App. (5/5/77) (MT-07552 - 07578)					
340.	MT-07697 - 07784 Operating Plan for the Tongue River Reservoir					
341.	MT-08888 - 08891 Tongue River Decree SB 76 Claims-Report					
342.	Reserve					
343.	MT - 09128 - 09147 - TRRAC meeting file 9-10-2002					
344.	MT-09148 - 09172 TRRAC meeting file 10-23-2002					
345.	Reserve					
346.	Reserve					
347.	Letter from J. Whiteing to F. Robinson re NCT Proposed for Transfer of Water to TR Irrigators, 2003 season (10/21/02) (MT - 09161 - 09163)					
348.	MT-09173 - 09178 TRRAC meeting file 12-11-2002					
349.	MT-09243 - 09267 TRRAC meeting file 08-12-2004					
350.	MT-09268 - 09320 TRRAC meeting file 10-22-2004					
351.	MT-09540 - 09581 TRRAC meeting file 08-24-2006					
352.	MT-10475 - 10511 Application for Reservation of Water-DNRC 11-					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
	01-76					
353.	MT-10586 - 10590 TRWUA Articles of Incorporation					
354.	MT-10591 - 10598 TRWUA State Water Conservation Board re Project					
355.	MT-10599 - 10602 TRWUA Water Purchase Contract					
356.	MT-10603 - 10606 Tongue River Decrees 04-15-1914					
357.						
358.	MT-016747 - MT-016722 2010 MT multi Hazard Mitigation Plan (15)					
359.	MT-016773 - MT-016774 Bechtel Report letter dated Apr 22, 1968.					
360.	MT-016870 - MT-016876 Ice Eng, Ice Jams in mt (13)					
361.	MT-016877 - MT-016914 Ice jam mitigation Pat 1 (14)					
362.	State of Montana Water Court Order in Cause No. WC-93-1					
363.	NCT Meeting Binder					
364.	Acknowledgment of a water right transfer (WY-041117-041125(Depo. Exh. No.305)					
365.	MT-07785 - 07818 Memorandum from Acting Superintendent Northern Cheyenne Agency to Director					
366.	MT-08872 - 08879 Tribal Water Right Report					
367.	MT-08892 - 08915 Senate Report from Select Committee on Indian Affairs					
368.	MT-09086 - 09088 Memorandum-11-15-1989-From Susan Cottingham to Marcia Rundle					
369.	Reserve					
370.	Declaration of Roger Muggli					
371.	Nance – Adjudication report/water right abstracts - WY-041427-041434					
372.	Brown Cattle Company abstract of water rights					
373.	Tongue & Yellowstone River abstract of water rights					
374.	Nance Cattle Company abstract of water rights					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
375.	Mark Fix abstract of water rights					
376.	Preliminary T & Y canal 2002 daily av. Flows (MT - 09136 - 09137)					
377.	DNRC spreadsheet, TR watershed 1997 to 2005 (MT-015235)					
378.	Letter from Charlie Gephart to Clerk of Court re listing of stored water consumption by TRWUA (10/2/06) (Mt-015538-015540) (Depo. Exh. No. 201)					
378a.	Order on Petition of TRWUA to Appoint a Water Commissioner (7/13/01) (MT-09967-09971) (Depo. Exh. No. 208)					
379.	Order on Petition of TRWUA to Appoint a Water Commissioner (5/4/06) (MT-10021-10022) (Depo. Exh. No. 209)					
380.	Petition of the TRWUA to Appoint Water Commissioners (5/2/02) (MT-09972-09979) (Depo. Exh. No. 215)					
381.	Hand written notes (Depo. Exh. No. 217)					
382.	Chuck Kepper to Clerk of Court re listing of stored water consumption by the TRWUA (MT-09980-09984) (Depo. Exh. No. 218)					
383.	TRWUA to Clerk of Court re measured water usage (MT-09985) (Depo. Exh. No. 219)					
384.	Water Commissioners in Montana as of 12/03 (Depo. Exh. No. 220)					
385.	Case Register Report (MT-09986 - 09993) (Depo. Exh. No. 223)					
386.	Chuck Kepper to Clerk of Court re listing of stored water consumption by the TRWUA (MT-015294 - 15304) (Depo. Exh. No. 225)					
387.	Northern Cheyenne Water (20,000 a/f) Lease Applicants 2004 (MT-015305) (Depo. Exh. No. 226)					
388.	Do List - hand written notes (MT-015319-15320) (Depo. Exh. No. 227)					
389.	Letter from William Musgrave to Pat Helm (7/19/04) (Depo. Exh. No. 228)					
390.	Ball Ranch Irrigation Water Use Record (MT-015339-015576) (Depo. Exh. No. 229)					
391.	Case Register Report (MT-09996-10005) (Depo. Exh. No. 230)					
392.	Handwritten notes (MT-15577-15579) (Depo. Exh. No. 231)					



Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
393.	William Musgrave to Pat Helm re leased water (6/16/05) (MT-015306) (Depo. Exh. No. 232)					
394.	Case Register Report (MT-10015-10038) (Depo. Exh. No. 233)					
395.	Handwritten notes, dates, flow, out numbers (MT-015338, 015326) (Depo. Exh. No. 234)					
396.	Handwritten notes (MT-015353-015393) (Depo. Exh. No. 235)					
397.	Handwritten notes (MT-015484-015481) (Depo. Exh. No. 236)					
398.	Charlie Gephart to Clerk of Court re listing of stored water consumption (MT-015552-15555, 10008) (Depo. Exh. No. 238)					
399.	Charlie Gephart to Clerk of Court re stored water consumption (7/16/06) (MT-015540 - 15550) (Depo. Exh. No. 239)					
400.	Tables with hand written notes (MT-015486-15536) (Depo. Exh. No. 240)					
401.	MT-09919 - 09985_Rosebud Co-Water Commissioners 01-41 - Petition to appoint water commissioner (7/12/01)					
402.	MT-09986 - 09995_Rosebud Co-Water Commissioners 04-41 - Case Register report TRWUA Petition to appoint water commissioner 2004					
403.	MT-09996 - 10014_Rosebud Co-Water Commissioners 05-44 - Case Register report TRWUA Petition to appoint water commissioner 2005					
404.	MT-10015 - 10038_Rosebud Co-Water Commissioners 06-53 - Case Register report TRWUA Petition to appoint water commissioner 2006					
405.	MT-10039 - 10049_Rosebud Co-Water Commissioners 07-77 - Case Register report TRWUA Petition to appoint water commissioner 2007					
406.	Revised Interim Policy Memo re SEO permitting requirements for water produced during the recovery of coal bed methane (8/2/02)- WY 082533 - 082537					
407.	Revised Interim Policy Memo re SEO permitting requirements for water produced during the recovery of coal bed methane, (5/29/01) WY 082541 - 082544					
408.	Memo from WY SEO groundwater division to CBNG task force re					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
	impacts to domestic and stock wells from CBNG production (10/31/2006) WY 082478-082507					
409.	Memo from John Bredehoeft to Wyoming Outdoor Council (2/24/03) WY 044708 - 044721					
410.	Memo from State Engineer's Office to Members of Coalbed Natural Gas Task Force (10/31/06) (WY018219-018224) (Depo. Exh. No. 93)					
411.	Letter from Lisa Lindemann to Joseph Kayser (9/10/10) (WY 018201-18206) (Depo. Exh. No. 94)					
412.	Tables (WY-018411-18415) (Depo. Exh. No. 95)					
413.	WY SEO Ground Water Division (12/6/04) (WY018319-018326) (Depo. Exh. No. 97)					
414.	Final Order in the Matter of the Designation of the Powder River Basin Controlled Ground Water Area (Depo. Exh. No. 170)					
415.	Potential Ground-Water Drawdown and Recovery from Coalbed Methane Development in the Powder River Basin, Montana (5/02) (Depo. Exh. No. 310)					
416.	Ground-Water Monitoring Program in Prospective Coalbed-Methane Areas of Southeastern Montana: Year One 2004) (Depo. Exh. No. 314)					
417.	2011 Annual Coalbed-Methane Regional Groundwater Monitoring Report: Powder River Basin, Montana (5/12) (Depo. Exh. No. 321)					
418.	Mainstem Tongue River, Adjudicated Acreage, Actual Acreage, 12/21/1982 - (WY-000620)					
419.	Discussion of Results, accompanying tables 12/22/1982 - (WY-000621-629)					
420.	Permits issued on Yellowstone River Drainage from Jan. 1, 1950-Jan. 1, 1953 - WY-002671-2684					
421.	Correspondence between F. Bishop and F. McNulty, re: supplemental water, priority of Sheridan Canal Company (Tongue), 9/6/1967 - WY-005039-5043					
422.	Analysis and Documentation for Supplemental Water Requirement in					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
	the Tongue River Basin, 1/1983 - WY-005322-5329					
423.	Tongue River Schematic Diagram, Tongue River rights - WY-005293-5300					
424.	Letter to Rich Brash, from John Buyok re: WY Supplemental Supply Documentation, 4/26/1983 - WY-005852-5856					
425.	Water and Related Land Resources of Northeastern Wyoming-A Summary for Project Selection, 5/1975 - WY-019211-19229					
426.	Letter Scott from Trelease: encl estimates of irrigated lands, crop consumptive use, reservoir tabulations for Tongue, 10/21/1988 - WY-020533-20537					
427.	Memo to Jeff Fassett, Mike Whitaker, from Sue Lowry, 6/4/1990 - WY-022658-22670					
428.	Report on the Water Supply of the Tongue River prepared for Pacific Power and Light by Banner Associates, 12/1/1976 - WY-026772-26877					
429.	Lists of reservoir permits by drainage -- WY 060093-060094					
430.	Spreadsheet/satellite imagery re Pennoyer or interstate ditch water rights (1/22/2009) -- WY 060165-060167					
431.	Reserve					
432.	Report on Water Res. Devel and Utilization in Tongue River Basin WY (Mar. 1958) -- WY 086906-086957					
433.	Memo from Tavelli to Irion re Powder/Tongue water allocation recommendations (10/05/2001); SEO memo re documentation of supplemental water supplies for WY lands (04/26/1983); Acreage summary, Tongue River update (Sept 1979); Letter from SEO to BOR re figures on WY irrigation for Tongue River (09/30/1982); SEO file memo re supplemental supplies in Tongue - handwritten, with tributary charts (06/11/1990) WY 099869 - 099905					
434.	HKM Engineering Report on Reconnaissance Study of Expanded Irrigation Water Use in WY TR Drainage (10/01/2002) - 102611 - 102621					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
435.	Western States Water News letter – WY use of Landsat for consumptive use					
436.	Annual Summary of Contents for YRC (WY-060091-60098) (Depo. Exh. No. 10)					
437.	Water Distribution 2006 (created 6/15/06; modified 1/25/07) (Depo. Exh. No. 12)					
438.	Diagrams, Different Creeks (WY 060790-060801) (Depo. Exh. No. 22)					
439.	Pennoyer or Interstate Ditch Water Rights (WY-060165-060167) (Depo. Exh. No. 24)					
440.	Kearney Lake Reservoir (WY 087991) (Depo. Exh. No. 65)					
441.	(Depo. Exh. No. 66)					
442.	Diversion Locations (WY030405-030406) (Depo. Exh. No. 76)					
443.	Handdrawn map (Depo. Exh. No. 77)					
444.	Park Reservoir Water usage 2001 (WY-027429-027199) (Depo. Exh. No. 78)					
445.	2002 tongue River Drainage Reservoir Summary (WY-027147 – 027216) (Depo. Exh. No. 89)					
446.	Wyoming SEO's 2012 Programmatic Organizational Chart (Depo. Exh. No. 92)					
447.	Annual Summary of Contents for Yellowstone River Compact Reservoirs or Lakes (Depo. Exh. No. 117)					
448.	Farm 2004 (Depo. Exh. No. 139)					
449.	Padlock Ranch and its Irrigation Water (Depo. Exh. No. 140)					
450.	Forage Maximization Model (5/9/06) (Depo. Exh. No. 141)					
451.	Letter to Padlock Ranch from Peter Hager re analysis with recommendations for Five Mile Flat area (5/22/07) (Depo. Exh. No. 142)					
452.	Wyoming & Five Mile Ditch (WY -038690) (Depo. Exh. No. 144)					
453.	Pivot Sources, Sheeley (Depo. Exh. No. 145)					
454.	Map of Lands Under Interstate or Pennoyer Ditch (Depo. Exh. No. 147)					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
455.	Map of Lands Under Interstate or Pennoyer Ditch (Depo. Exh. No. 292)					
456.	Powder/Tongue River Basin Water Plan Technical Memoranda (March/2002) (Depo. Exh. No. 328)					
457.	Kearney Lake Reservoir (Depo. Exh. No. 329)					
458.	Hydrographer's Annual Report – Water Div. II (1980) – (WY-110583-110698)					
459.	Hydrographer's Annual Report – Water Div. II (1981) – (WY-110700-110917)					
460.	Hydrographer's Annual Report – Water Div. II (1982) – (WY-110919-111252)					
461.	Hydrographer's Annual Report – Water Div. II (1983) – (WY-111253-111602)					
462.	Hydrographer's Annual Report – Water Div. II (1984) – (WY-111603-111916)					
463.	Hydrographer's Annual Report – Water Div. II (1985) – (WY-111917-112181)					
464.	Hydrographer's Annual Report – Water Div. II (1986) – (WY-112182-112535)					
465.	Hydrographer's Annual Report – Water Div. II (1987) – (WY-039434-039644)					
466.	Hydrographer's Annual Report – Water Div. II (1988) – (WY-039645-039848)					
467.	Hydrographer's Annual Report – Water Div. II (1989) – (WY-039849-040021)					
468.	Hydrographer's Annual Report – Water Div. II (1990) – (WY-113124-113276)					
469.	Hydrographer's Annual Report – Water Div. II (1991) – (WY-113277-					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
	113296)					
470.	Hydrographer's Annual Report – Water Div. II (1992) – (WY-113997-113516)					
471.	Hydrographer's Annual Report – Water Div. II (1993) – (WY-113517-113643)					
472.	Hydrographer's Annual Report – Water Div. II (1994) – (WY-113644-113770)					
473.	Hydrographer's Annual Report – Water Div. II (1995) - (WY-113771-113771)					
474.	Hydrographer's Annual Report – Water Div. II (1996) – (WY-113913-114055)					
475.	Hydrographer's Annual Report – Water Div. II (1997) – (WY-114056-114196)					
476.	Hydrographer's Annual Report – Water Div. II (1998) – (WY-114197-114344)					
477.	Hydrographer's Annual Report – Water Div. II (1999) – (WY-114345-114495)					
478.	Hydrographer's Annual Report – Water Div. II (2000) – (WY-040022-040197)					
479.	Hydrographer's Annual Report – Water Div. II (2003) – (WY-040523-040699)					
480.	Hydrographer's Annual Report – Water Div. II (2005)					
481.	Hand Book for Field Water Administrators (WY-O37170-O37182)					
482.	2004 Regulation dates, Powder, Tongue – (WY-027576)					
483.	Regulation and Reservoir Releases in the Tongue and Powder River Drainages in 2006, 11/27/2006 – (WY-027841)					
484.	Email from Bill Knapp to Sue Lowry, re: list of dates regulated to on					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
	Tongue, 8/4/2006 – (WY-028656-28658)					
485.	Memo from Bill Knapp, "Digging Deeper into the Well," re: reservoir storage – (WY-030256)					
486.	Sample Notice to appropriators to begin storage (2011) (WY 060098)					
487.	Wyoming Water Commissioner Tag Book (WY 061214 – 061221)					
488.	WY Water Commissioner sheets – (WY 061388- 061410)					
489.	Streams on Powder/Tongue regulated on strict basis (WY 043420)					
490.	WY Water Development Commission – 2010 WY irrigation systems report (WY 045201)					
491.	Rehberg Call letter Piney Creek 1988					
492.	(Depo. Exh. No. 21)					
493.	(Depo. Exh. No. 23)					
494.	(Depo. Exh. No. 38)					
495.	(Depo. Exh. No. 39)					
496.	(Depo. Exh. No. 41)					
497.	(Depo. Exh. No. 42)					
498.	(Depo. Exh. No. 45)					
499.	(Depo. Exh. No. 70)					
500.	(Depo. Exh. No. 72)					
501.	(Depo. Exh. No. 73)					
502.	(Depo. Exh. No. 74)					
503.	(Depo. Exh. No. 75)					
504.	(Depo. Exh. No. 325)					
505.	(Depo. Exh. No. 327)					
506.	Doyle Fritz notes (06/26/2012) – (WY-043709-043726)					
507.	Doyle Fritz notes (02/28/2012) – (WY-043724-043726)					
508.	Doyle Fritz notes, AGO meeting (02/05/2013) – (WY-043747-043751)					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
509.	Doyle Fritz notes, Interview with Dave Schroeder (03/14/2012) – (WY-043773-043782)					
510.	Doyle Fritz notes (undated) – (WY-043903-043912)					
511.	Doyle Fritz notes on 2004-2006 hydrology (undated) – (WY-043916)					
512.	(Depo. Exh. No. 266)					
513.	(Depo. Exh. No. 270)					
514.	(Depo. Exh. No. 271)					
515.	Yellowstone River, Historic Events Timeline, Flooding, Ice Jams, Bridges, and Irrigation Infrastructure. November 17, 2008. Tony Thatcher, DTM Consulting, Inc.					
516.	Ice Engineering, Ice Jams in Montana, Number 19, July 1998. U.S. Army Cold Regions Research and Engineering Laboratory, Hanover, New Hampshire.					
517.	Ice Jam Mitigation Part 1: Introduction to River Ice. Kathleen D. White, Ph.D, P.E., U.S. Army Corps of Engineers, Engineering Research and Development Center, Cold Regions Research and Engineering Laboratory, Hanover, NH.					
518.	2010 Update to State of Montana Multi-Hazard Mitigation Plan and Statewide Hazard Assessment, Section 4.4.3 Flooding Final. The State of Montana Department of Military Affairs and Emergency Services (DES), November 2010.					
519.	Regulations and Instructions, Part IV, State Board of Control (June 1986)					
520.	Letter from M. Whitaker to J. Cummings (Dec. 3, 2003) (WY030333 – WY030334)					
521.	Agenda (WY030342 – WY030343)					
522.	Excerpts from Water Storage in Montana, a document submitted to the					



Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
	fifty-sixth Montana Legislature (WY030415 – WY030418)					
523.	Mountain Reservoirs Water Distribution (June, July, and August, 2006) (WY030420 – WY030423)					
524.	Tongue River Dam, Manual for Operation and Maintenance (Revised January 2004) (Attachment 1 to Smith Expert Report) (MT-15057 – MT15104)					
525.	Operating Plan for the Tongue River Reservoir ((Attachment 1 to Smith Expert Report) (MT15105 – MT15111)					
526.	Amended Stipulation in Case No 42B-62 (Attachment 2 to Smith Expert Report) (MT-15113 – MT15128)					
527.	Northern Cheyenne Compact, Montana Code Annotated § 85-20-301(Attachment 3 to Smith Expert Report) (MT-15130 – MT15146)					
528.	Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992, Publ. L. No. 102-374, 106 Stat. 1186 (1992), (Attachment 3 to Smith Expert Report) (MT-15146 – MT15155)					
529.	Water Marketing Contract between the State Water Conservation Board of the State of Montana and the Tongue River Water Users' Association (with amendments) (Attachment 4 to Smith Expert Report) (MT-15157 – MT15188)					
530.	Sample Water Purchase Contract (Attachment 5 to Smith Expert Report) (MT-15190 – MT15191)					
531.	Tongue River Water Users Association Water Purchase Contract List (Nov. 15, 2012) (Attachment 6 to Smith Expert Report) (MT-15193 – MT15196)					
532.	Water Purchase Contract between United States, Tongue River Water Users' Association and State Water Conservation Board of the State of Montana (March 15, 1938) (Attachment 7 to Smith Expert Report) (MT-15198 – MT15203)					
533.	Tongue River Water Users' Association, Operating Reports for 1943 and 1944					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
534.	Tongue River Reservoir, Water Year 2006					
535.	<a href="http://dnrc.mt.gov/GIS/HighHazardDams/">http://dnrc.mt.gov/GIS/HighHazardDams/</a>					
536.	Daily Mean Flows for Tongue River Reservoir Outflows for Selected Time Periods					
537.	Water Right Abstracts for Cedar Hills Ranch					
538.	Water Rights Abstracts for Les Hirsch					
539.	Master's Report in Case No. 41G-109 (Aug. 13, 1993)					
540.	Pages from Design Operation Farm Irrigation Systems					
541.	Letter from John Buyok to Rich Brasch re reply to Feb. 28, 1983 letter regarding further documentation of supplemental water supplies for WY lands (April 26, 1983) (MT-04862-04864)					
542.	Letter from Sue Lowry to Glen MacDonald re supplemental supply needs for WY lands (June 19, 1990) (MT-04859—4861)					
543.	YRCC Spring Meeting Minutes, 04/26/2005 (WY-028852-28859)					
544.	Letters to Tongue ditch users re: requesting installation of measuring devices, 05/03/2006 (WY-030276-30275)					
545.	Bill Knapp, 2004 Diary (WY-031552-31754)					
546.	2004 Diary, Book 2 (WY-031755-31954)					
547.	2004 Diary, Book 2 (WY-031955-32157)					
548.	Bill Knapp, 2006 Diary (WY-032763-33358)					
549.	TRWUA meeting minutes, 09/07/1993 (WY-037649-37650)					
550.	TRWUA meeting minutes, 1990-2005 (WY-037867-37928)					
551.	Maps, from Pat Boyd (WY-038609-38625)					
552.	DNRC Water Resources Division – Water Right Dispute Options					
553.	DNRC Form No. 600 SW, Surface Water Application for Beneficial Water Use Permit					
554.	DNRC Form No. 600 GW, Groundwater Application for Beneficial Water Use Permit					
555.	DNRC Form No. 606 IR, Application to Change An Existing Irrigation Water Right					

Ex. #	Montana's Exhibit Description	Mentioned	Offered	Objection		Admitted
				By Montana	By Wyoming	
556.	DNRC Form No. 606 NIR, Application to Change An Existing Non-Irrigation Water Right					

