

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 AMENDED BILL OF COSTS AND DECLARATION**

Pursuant to discussions between the States of Montana and Wyoming, Montana hereby amends Montana's Bill of Costs and Declaration dated April 1, 2017, to incorporate the attached Wyoming invoice for the transcript of the November 17, 2009 hearing, a reduction of \$540.75:

<u>Item</u>	<u>File/Event Date</u>	<u>Amount</u>	<u>Documentation</u>
1. Filing Fee	1/31/2007	\$300.00	Sup. Ct. Rule 38(a)
2. Transcript Fees	11/13/2008	\$151.75	Attached invoice
	2/3/2009	\$386.00	Attached invoice

<u>Item</u>	<u>File/Event Date</u>	<u>Amount</u>	<u>Documentation</u>
	6/11/2009	\$130.25	Attached invoice
	8/5/2009	\$174.25	Attached invoice
	10/8/2009	\$357.50	Attached invoice
	11/17/2009	\$246.25	Attached Wyo. invoice

### 3. Printing Fees

Motion for Leave To File and Brief	1/31/2007	\$2,634.06	Attached invoice Declaration below
Reply on Motion For Leave to File	4/16/2007	\$845.84	Attached invoice Declaration below
Brief in Response To Motion to Dismiss	5/9/2008	\$5,636.12	Attached invoice Declaration below

### 4. Special Master Fees and Expenses Paid by Montana

First Motion	7/1/2009	\$20,404.48	Order of 10/5/2009
Second Motion	7/12/2010	<u>\$36,004.37</u>	Order of 10/12/2010
Total Costs		\$67,270.87	

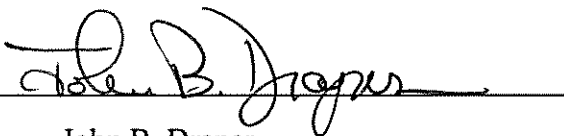
## DECLARATION

COMES NOW John B. Draper, Counsel of Record for the State of Montana in this proceeding, and declares under penalty of perjury as follows:

1. Supreme Court Rule 38 (a) sets the fee charged by the Clerk. Further documentation is not considered necessary.
2. Invoices for the cost of transcripts of hearings before the Special Master are attached. For the transcript of the hearing of November 17, 2009, the invoice issued to the State of Wyoming provides the best evidence of the amount also paid by the State of Montana.
3. Invoices from the printer, Cockle Law Brief Printing Co., for the three printed filings by Montana during the Cost Period allowed by the Special Master are attached. (The "File/Event Date" specified on the Bill of Costs, which is the filing date shown on the Court docket, may differ a few days from the date of the invoice.) The printing fees claimed by Montana do not include the amount paid for extra copies, which are copies exceeding the fifty copies necessary for filing with the Court and service on the parties. In consultation with the printer, the total cost of extra copies was calculated as the per copy cost (20¢ per cover, 10¢ per regular printed page, and \$2.50 per fold-out color map) multiplied by the number of extra copies, plus a proration of the postage costs by percentage of the total order for each printed filing. This extra copy cost was then subtracted from the total cost, charged by the printer for each printed filing and paid by Montana, to arrive at the total printing fees listed on Montana's Bill of Costs.
4. The amounts listed are one-half of the fees and expenses of the Special Master approved by the Court. They are the actual amounts paid by Montana. The Orders of the Court are considered sufficient documentation.
5. The foregoing listed costs are correct.
6. The foregoing listed costs were necessarily incurred in this action.
7. The services for which the fees listed above were charged were actually and necessarily performed.
8. The foregoing listed costs were actually paid by the State of Montana.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 10, 2017

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

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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◆

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Before the Honorable Barton H. Thompson, Jr.  
Special Master

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◆

### CERTIFICATE OF SERVICE

I certify that copies of Montana's Amended Bill of Costs and Declaration was served electronically and by U.S. Mail to the following on April 10, 2017, as indicated below:

Peter K. Michael  
Attorney General of Wyoming  
Jay Jerde  
Christopher M. Brown  
Andrew Kuhlmann  
James C. Kaste  
The State of Wyoming  
123 Capitol Building  
Cheyenne, WY 82002  
[peter.michael@wyo.gov](mailto:peter.michael@wyo.gov)  
[jayjerde@wyo.gov](mailto:jayjerde@wyo.gov)  
[chris.brown@wyo.gov](mailto:chris.brown@wyo.gov)  
[andrew.kuhlmann@wyo.gov](mailto:andrew.kuhlmann@wyo.gov)  
[james.kaste@wyo.gov](mailto:james.kaste@wyo.gov)

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

Jeanne S. Whiteing  
Attorney at Law  
1628 5<sup>th</sup> Street  
Boulder, CO 80302  
[jwhiteing@whiteinglaw.com](mailto:jwhiteing@whiteinglaw.com)

Solicitor General of the United States  
U. S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Room 5614  
Washington, D.C. 20530-0001  
[SupremeCtBriefs@usdoj.gov](mailto:SupremeCtBriefs@usdoj.gov)

Michael B. Wigmore  
Vinson & Elkins LLP  
2200 Pennsylvania Avenue, NW  
Suite 500 West  
Washington, DC 20037  
[mwigmore@velaw.com](mailto:mwigmore@velaw.com)

James DuBois  
United States Department of Justice  
Environmental and Natural Resources  
Division of Natural Resources Section  
999 18<sup>th</sup> St. #370 South Terrace  
Denver, CO 80202  
[james.dubois@usdoj.gov](mailto:james.dubois@usdoj.gov)

Barton H. Thompson, Jr., Special Master  
Nadia Hermez, Assistant  
Stanford Law School  
Crown Quadrangle  
559 Nathan Abbott Way, N182  
Stanford, CA 94305  
[nhermez@law.stanford.edu](mailto:nhermez@law.stanford.edu)  
(Original and 3 copies by U.S. Mail)

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

  
John B. Draper

# KRAMM

COURT REPORTING

# INVOICE

Invoice No.	Invoice Date	Job No.
20700	12/3/2008	30293
Job Date	Case No.	
11/13/2008	220137 ORG	
Case Name		
STATE OF MONTANA vs. STATE OF WYOMING and STATE OF NORTH DAKOTA.		
Payment Terms		
Due upon receipt		

RECEIVED

DEC - 8 2008

Sarah A. Bond  
 MONTANA ATTORNEY GENERAL'S OFFICE ATTORNEY GENERALS OFFICE  
 215 North Sanders  
 P.O. Box 201401  
 Helena, MT 59620-1401

1 CERTIFIED TRANSCRIPT OF:  
 Telephonic Status Hearing

151.75

TOTAL DUE >>>

\$151.75

Thank you. We appreciate your business. Please make checks payable to  
 Kramm & Associates, Inc. We now accept Visa, Master Card, and American Express

*62103*  
*524*      *skay*  
                  *12-16-08*

*W-9 attached*

Tax ID: 33-0941549




Phone: 406-444-5894 Fax:

Please detach bottom portion and return with payment.

Sarah A. Bond  
 MONTANA ATTORNEY GENERAL'S OFFICE  
 215 North Sanders  
 P.O. Box 201401  
 Helena, MT 59620-1401

Job No. : 30293      BU ID : 1-MAIN  
 Case No. : 220137 ORG  
 Case Name : STATE OF MONTANA vs. STATE OF WYOMING  
 and STATE OF NORTH DAKOTA.  
 Invoice No. : 20700      Invoice Date : 12/3/2008  
 Total Due : \$ 151.75

Remit To: **KRAMM & ASSOCIATES, INC.**  
 2224 Third Avenue  
 San Diego, CA 92101

<b>PAYMENT WITH CREDIT CARD</b>				
Cardholder's Name: _____				
Card Number: _____				
Exp. Date: _____		Phone#: _____		
Billing Address: _____				
Zip: _____		Card Security Code: _____		
Amount to Charge: _____				

**WG WILSON GEORGE**  
 COURT REPORTERS - VIDEOGRAPHERS - VIDEOCONFERENCEING  
 405 Mason Court, Suite 117  
 Fort Collins, Colorado 80624  
 EID No. 84-1381586  
 (970) 224-3000

193087

Date	Invoice #
2/18/2009	107127

<b>Bill To</b>
Sarah A. Bond, Esq. Assistant Attorney General Montana Attorney General's Office 215 North Sanders Helena, MT 59601

Date of Service	Description of Services	Reporter
		AS
2/3/2009	Montana v. Wyoming, North Dakota Supreme Court No. 137, Original Hearing re Wyoming's Motion to Dismiss Certified copy transcript/electronic conversion Delivery  <div style="text-align: center;"> <math display="block">\begin{array}{r} 62108 \\ \hline 524 \end{array}</math> <p>ok axl 4-07-09</p> <p>pd 4-09-09</p> <p>406-444-5894</p> </div>	373.00 13.00
<b>Thank You!</b>		<b>Total</b> \$386.00
Accounts over 30 days subject to finance charges at 1.5% per month		

# KRAMM

COURT REPORTING  
 3224 THIRD AVENUE SAN DIEGO CA 92101  
 602.939.0000 WWW.KRAMM.COM

*OK to pay per hour  
 compact division  
 new for litigation  
 CAB  
 6/22/09*

# INVOICE

Invoice No.	Invoice Date	Job No.
22393	6/18/2009	32765
Job Date	Case No.	
6/11/2009	220137 ORG	
Case Name		
STATE OF MONTANA vs. STATE OF WYOMING, et al.		
Payment Terms		
Due upon receipt		

Sarah A. Bond  
 MONTANA ATTORNEY GENERAL'S OFFICE  
 215 North Sanders  
 P.O. Box 201401  
 Helena, MT 59620-1401

1 CERTIFIED TRANSCRIPT OF:  
 Telephonic Hearing

130.25  
**TOTAL DUE >>> \$130.25**

Thank you. We appreciate your business. Please make checks payable to:  
 Kramm & Associates, Inc. We now accept Visa, Master Card, and American Express

62108  
 524      *ok ok  
 6-23-09*

Tax ID: 33-0941549


Phone: 406-444-5894 Fax:

*Please detach bottom portion and return with payment.*

Sarah A. Bond  
 MONTANA ATTORNEY GENERAL'S OFFICE  
 215 North Sanders  
 P.O. Box 201401  
 Helena, MT 59620-1401

Job No. : 32765 BU ID : 1-MAIN  
 Case No. : 220137 ORG  
 Case Name : STATE OF MONTANA vs. STATE OF WYOMING,  
 et al.  
 Invoice No. : 22393 Invoice Date : 6/18/2009  
 Total Due : \$130.25

Remit To: **KRAMM & ASSOCIATES, INC.**  
 2224 Third Avenue  
 San Diego, CA 92101

**PAYMENT WITH CREDIT CARD** 

Cardholder's Name: \_\_\_\_\_  
 Card Number: \_\_\_\_\_  
 Exp. Date: \_\_\_\_\_ Phone#: \_\_\_\_\_  
 Billing Address: \_\_\_\_\_  
 Zip: \_\_\_\_\_ Card Security Code: \_\_\_\_\_  
 Amount to Charge: \_\_\_\_\_  
 Cardholder's Signature: \_\_\_\_\_



OK to pay from major delegation, Yellowstone, SAB 8/14/09

**KRAMM**  
**COURT REPORTING**  
 2224 THIRD AVENUE SAN DIEGO CA 92101  
 606.939.0000 www.kramm.com

# INVOICE

Invoice No.	Invoice Date	Job No.
22847	8/14/2009	33357
Job Date	Case No.	
8/5/2009	220137 ORG	
Case Name		
STATE OF MONTANA vs. STATE OF WYOMING, et al.		
Payment Terms		
Due upon receipt		

Sarah A. Bond  
 MONTANA ATTORNEY GENERAL'S OFFICE  
 215 North Sanders  
 P.O. Box 201401  
 Helena, MT 59620-1401

1 CERTIFIED TRANSCRIPT OF:  
 Telephonic Hearing

174.25

**TOTAL DUE >>> \$174.25**

Thank you. We appreciate your business. Please make checks payable to Kramm & Associates, Inc. We now accept Visa, Master Card, and American Express

62108  
 524 = 174.25      OKAY  
 8-20-09

Tax ID: 33-0941549


Phone: 406-444-5894 Fax:

Please detach bottom portion and return with payment.

Sarah A. Bond  
 MONTANA ATTORNEY GENERAL'S OFFICE  
 215 North Sanders  
 P.O. Box 201401  
 Helena, MT 59620-1401

Job No. : 33357      BU ID : 1-MAIN  
 Case No. : 220137 ORG  
 Case Name : STATE OF MONTANA vs. STATE OF WYOMING, et al.  
 Invoice No. : 22847      Invoice Date : 8/14/2009  
 Total Due : \$174.25

Remit To: **KRAMM & ASSOCIATES, INC.**  
 2224 Third Avenue  
 San Diego, CA 92101

**PAYMENT WITH CREDIT CARD** 

Cardholder's Name: \_\_\_\_\_  
 Card Number: \_\_\_\_\_  
 Exp. Date: \_\_\_\_\_ Phone#: \_\_\_\_\_  
 Billing Address: \_\_\_\_\_  
 Zip: \_\_\_\_\_ Card Security Code: \_\_\_\_\_  
 Amount to Charge: \_\_\_\_\_  
 Cardholder's Signature: \_\_\_\_\_

**WILSONGEORGE**  
COURT REPORTERS - VIDEOGRAPHERS - VIDEOCONFERENCING

405 Mason Court, Suite 117  
 Fort Collins, Colorado 80524  
 EID No. 84-1381586  
 (970) 224-3000  
 www.wilsongeorge.com

**RECEIVED**

OCT 19 2009

ATTORNEY GENERALS OFFICE  
 HELENA, MONTANA

Date	Invoice #
10/15/2009	107650

<b>Bill To</b>
Jennifer M. Anders, Esq. Montana Attorney General's Office 215 North Sanders P.O. Box 201401 Helena, MT 59620-1401

*ok JMS*

Date of Service	Description of Services	Reporter
		PR
		Amount
10/8/2009	Montana v. Wyoming and North Dakota No. 137, Original Hearing on Anadarko's Motion to Intervene Certified copy transcript/electronic conversion	295.00
	Transcript of Status Conference Certified copy transcript/electronic conversion	62.50
$\begin{array}{r} 62108 \\ \hline 524 = 357.50 \end{array}$		
Thank you for your business !		<b>Total</b> \$357.50
Accounts over 30 days subject to finance charges at 1.5% per month		

*ok axl  
 10-21-09*



**AIKEN & WELCH**  
 1 KAISER PLAZA  
 SUITE 505  
 OAKLAND CA 94612  
 (510)451-1580  
 FAX (510)451-3797  
 www.aikenwelch.com  
 A California Corp. EIN:94-2832206

**INVOICE**

PAGE 1  
 INVOICE DATE 12/22/2009  
 INVOICE NO 00384486

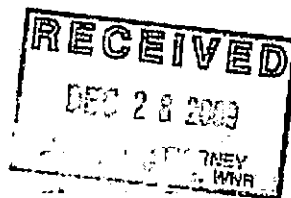
STATE OF MONTANA V. STATE OF WYOMING

ATTN: PETER K. MICHAEL  
 STATE OF WYOMING  
 ATTY GENERAL'S OFFICE  
 123 CAPITOL AVENUE  
 CHEYENNE WY 82002

TERMS DESCRIPTION	COURT/CASE NO.	FILE NO.	JOB NO.	FIRM ID
.0% 0 DAYS NET 30	NO. 137, ORIGINAL		MONT.WYOM02	WYOM01

ACTIVITY DESCRIPTION/COMMENTS	DATE	REPORTER	AMOUNT
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1 COPY, PROCEEDINGS. HEARING	11/17/09	KNAPCL	246.25
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Approved: *PKM*

To charge the amount to your bankcard, simply complete the information below and return to us.

**TOTAL DUE: 246.25**

Please return this stub with your remittance.

AIKEN & WELCH  
 1 KAISER PLAZA  
 SUITE 505  
 OAKLAND CA 94612  
 (510)451-1580  
 FAX (510)451-3797  
 www.aikenwelch.com

Name on Card \_\_\_\_\_

**DUE DATE 01/21/2010**

Card No. \_\_\_\_\_

**INVOICE DATE 12/22/2009**

Exp. Date \_\_\_\_\_ Amount \_\_\_\_\_

**INVOICE NUMBER 00384486**

Signature \_\_\_\_\_

**INVOICE AMOUNT 246.25**

**WYOM01 / STATE OF WYOMING**

If legal action is required to recover payment, Aiken & Welch shall be entitled to reasonable attorney's fees and costs.

**Cockle Printing Company**

2311 Douglas Street  
 Omaha, NE 68102  
 (402) 342-2831  
 (402) 342-4850 FAX  
 Website: cocklelaw.com  
 E-Mail: cpc@cocklelaw.com

2986

*Such as to  
 pay from litigation  
 JCC  
 SKB  
 #1/07*

**Invoice**

Customer No.: MONTANA  
 Invoice No.: 30029

Bill To: **OFC OF THE ATTY GEN**  
 215 N SANDERS  
 PO BOX 201401  
 HELENA, MT 59620-1401

Ship To: **JOHN DRAPER**  
 (505) 982-3873  
 SARAH BOND  
 (406) 444-2026 sk

Date		Ship Via		F.O.B.		Terms	
01/31/07		Fed Ex Priority		Origin		Net 30	
Purchase Order Number			Order Date		Sales Person		Our Order Number
18653			01/31/07				30042
Quantity		B.O.	Item Number	Description	Unit Price	Amount	
Required	Shipped						
1	1		LAW BRIEFS	150 COPIES: # _____ ORIGINAL; STATE OF MT v. STATE OF WY AND ND	3661.00	3661.00	
1	1		EMAIL	E-MAIL IN .PDF FILE BRIEF AND APPENDIX MOTION FOR LEAVE TO FILE BILL OF COMPLAINT, BILL OF COMPLAINT AND BRIEF IN SUPPORT	61.25	61.25	
					Invoice subtotal	3722.25	
					Proofs & Postage	157.00	
					Invoice total	3879.25	

*62191*  


---

*524*      *OK axl*  
                  *2-2-07*

**Cockle Printing Company**

2311 Douglas Street  
 Omaha, NE 68102  
 (402) 342-2831  
 (402) 342-4850 FAX  
 Website: cocklelaw.com  
 E-Mail: cpc@cocklelaw.com

3986

*To: Anna*

**Invoice**

Customer No.: MONTANA  
 Invoice No.: 30317

Bill To: **OFC OF THE ATTY GEN**  
 215 N SANDERS  
 PO BOX 201401  
 HELENA, MT 59620-1401

Ship To: **JOHN DRAPER**  
 (505)988-2525  
 SARAH BOND  
 (406)444-5894 ttl

Date	Ship Via	F.O.B.	Terms	
04/13/07	Fed Ex Priority	Origin	Net 30	
Purchase Order Number	Order Date	Sales Person	Our Order Number	
19051	04/13/07		30330	
Quantity	Item Number	Description	Unit Price	Amount

Quantity	Item Number	Description	Unit Price	Amount
1	LAW BRIEFS	150 COPIES: #137, ORIGINAL; MONTANA v. WYOMING & NORTH DAKOTA	915.85	915.85
2	EMAIL	E-MAIL IN .PDF FILE BRIEF AND APPENDIX MONTANA'S REPLY BRIEF	36.25	72.50

Invoice subtotal 988.35  
 Proofs & Postage 59.00  
 Invoice total 1041.35

62191  
 524  
*ok ok*  
 5-7-07

# Cockle Printing Company

2311 Douglas Street  
Omaha, NE 68102  
(402) 342-2831

(402) 342-4850 FAX

Website: cocklelaw.com

E-Mail: cpc@cocklelaw.com

3986

# Invoice

Customer No.: MONTANA

Invoice No.: 31527

Bill To: **OFC OF THE ATTY GEN**  
215 N SANDERS  
HELENA, MT 59620-1401

Ship To: **SARAH BOND**  
(406) 444-2028  
sk

Date		Ship Via		F.O.B.		Terms		
05/09/08		Fed Ex Priority		Origin		Net 30		
Purchase Order Number			Order Date		Sales Person		Our Order Number	
20554			05/09/08				31545	
Quantity			Item Number	Description	Unit Price	Amount		
Required	Shipped	B.O.						
1	1		LAW BRIEFS	133 COPIES: NO. 137, ORIGINAL; MT v. WY AND ND, ET AL.	6616.90	6616.90		
1	1		EMAIL	E-MAIL IN .PDF FILE BRIEF AND APPENDIX MONTANA'S BRIEF IN RESPONSE TO WYOMING'S MOTION TO DISMISS BILL OF COMPLAINT	75.00	75.00		
					Invoice subtotal	6691.90		
					Proofs & Postage	282.20		
					Invoice total	6974.10		

62191  
524

ok ayl  
5-12-08