

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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**AFFIDAVIT OF RICHARD G. STOCKDALE IN SUPPORT OF  
WYOMING'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Richard G. Stockdale, being sworn, states:

1. I reside in Cheyenne, Wyoming. When Gordon W. "Jeff" Fassett resigned as Wyoming State Engineer effective June 15, 2000, Governor Jim Geringer appointed me as Acting State Engineer. I remained Acting State Engineer for a little over six months until Patrick Tyrrell became State Engineer on January 16, 2001. While I was Acting State Engineer, Governor Geringer also appointed me to the position of Acting Wyoming Commissioner to the Yellowstone River Compact Commission which I held until Patrick Tyrrell became State Engineer. I make this affidavit in support of Wyoming's Motion for Partial Summary Judgment.

2. If the State of Montana made a demand upon Wyoming under the Yellowstone River Compact during my tenure as Acting Commissioner, and that demand was not made to me personally in my capacity as Wyoming's Acting Commissioner, but was instead made to any agent of the state with authority over the regulation or adjudication of any waters of the State of Wyoming, or even to the Governor of Wyoming, such demand should have come to my attention through the chain of command in the State Engineer's Office or from the Governor's Office.

3. I attended the Yellowstone River Compact Commission meeting in Sheridan, Wyoming on December 5, 2000. On behalf of Wyoming, I signed the commission's annual report that was generated from that meeting. At that meeting, and during the entirety of my tenure as Acting Wyoming State Engineer and Acting Wyoming Commissioner to the Yellowstone River Compact Commission I never received a call, claim, demand, or other notification, either orally or in writing, from a Montana commissioner or an acting commissioner to the Yellowstone River Compact, or anyone acting under their authority, in which they notified the State of Wyoming that Montana water users in the Tongue, Powder, Big Horn, or Clark's Fork River basins suffered from a shortage of water in response to which the State of Wyoming should take some action, such as curtailing water use in those basins in Wyoming. The compact commission's official annual report confirmed that no diversions were regulated by the commission in 2000.

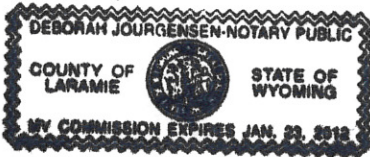
Dated this 6th day of September, 2011.

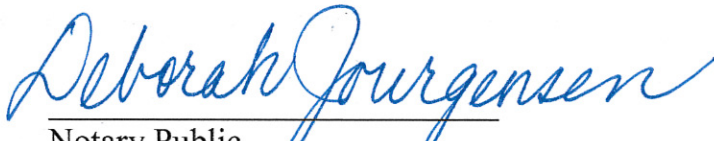
  
Richard G. Stockdale

STATE OF WYOMING )  
 ) ss  
COUNTY OF LARAMIE )

The foregoing Affidavit of Richard G. Stockdale in Support of Wyoming’s Motion for Partial Summary Judgment was subscribed and sworn to before me, a notary public, by Richard G. Stockdale this 6th day of September, 2011.

Witness my hand and official seal.



  
Notary Public

My Commission Expires: 1.23.2012