

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

NOTICE OF OBJECTION AND REQUEST FOR CLARIFICATION

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The State of Wyoming hereby notifies the Court and Counsel of its objection to the procedure outlined in the Supplemental Memorandum Opinion on Wyoming's Renewed Motion for Partial Summary Judgment issued on December 14, 2012. It was highly irregular to permit the State of Montana to submit additional materials in opposition to a motion for summary judgment one time. To do so a second time as outlined in the Supplemental Memorandum Opinion is unprecedented, unwarranted, and prejudicial to the orderly resolution of this litigation. Accordingly, for the record the State of Wyoming submits its objection to this procedure which is tantamount to a third bite at the apple.

In addition, the State of Wyoming requests that the Supplemental Memorandum Opinion be clarified to state with specificity the dates that are in issue for the years 2000, 2001, 2002, and 2003. Based on the prior rulings in this matter and the testimony of Mr. Stults, the State of Wyoming assumes that the dates when calls will be considered to have been made are: September 30, 2000, or the end of the irrigation season that year, whichever is later; September 31, 2001, or the end of the irrigation season that year, whichever is later; July 1, 2002; and July 1, 2003. The State of Wyoming believes the parties would benefit from confirmation from the Special Master that these are the time periods in issue for these years.

Dated this 17th day of December, 2012.

THE STATE OF WYOMING



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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the Notice of Objection and Request for Clarification was served by electronic mail and by placing the same in the United States mail, postage paid, this 17th day of December, 2012.

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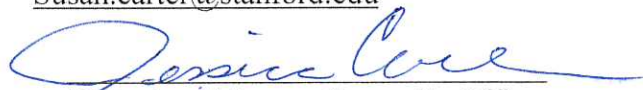
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