

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

WYOMING'S STATUS REPORT NO. 19

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The State of Wyoming presents the following Status Report No. 19 pursuant to Section VII.D. of Case Management Plan No.1:

1. On July 9, 2013, Montana filed its Response to Motion to Strike the Report and Exclude the Testimony of Douglas R. Littlefield Ph.D.
2. On July 11, 2013, Wyoming served its Objections to Montana's Second Set of Interrogatories and Requests for Production to Wyoming.
3. On July 12, 2013, Montana served its First Supplemental Response to Wyoming's Third Set of Discovery in accord with the Decision and Order of the Special Master on Wyoming's Motion to Compel.
4. On July 16, 2013, Wyoming took the deposition of Steven P. Larson in Denver regarding his rebuttal report.
5. On July 19, 2013, Wyoming took the depositions of Gordon Aycock and Kevin Smith in Helena regarding their rebuttal reports.
6. On July 19, 2013, Montana filed Notice of Issuance of Subpoenas to Testify at a Deposition in a Civil Action for Shawn Ankney, Bruce Williams, Dan Koltiska, Ross Petersen, and Bruce Sheeley. Except for Mr. Sheeley, Montana deposed these witnesses on July 24 and 25, 2013, in Sheridan.
7. On July 22, 2013, Wyoming filed its Reply in Support of Motion to Strike the Report and Exclude the Testimony of Douglas R. Littlefield, Ph.D.
8. On July 22 through 25, 2013, representatives of Montana, Wyoming, the Tongue River Water Users Association, the Northern Cheyenne Tribe, and the Special Master toured the Tongue River Basin from the headwaters in the Bighorn Mountains in Wyoming to the

confluence with the Yellowstone River in Miles City, Montana. The parties presented the Special Master with a stipulated packet of maps and rules for interaction with the Special Master. Pursuant to those rules, the parties had the opportunity to object to any question or answer propounded or offered during the tour. No objections were made by either party. The Special Master made notes on his packet of maps, and the parties discussed making a copy of the packet an exhibit at trial, and permitting the Special Master to refer to his notes during the course of the trial. During the tour the parties and the Special Master discussed the time necessary for oral argument on the pending Motions for Summary Judgment, scheduling argument on the pending Motion to Strike the Report and Exclude the Testimony of Douglas R. Littlefield, Ph.D., the consequences of a motion to sequester, and the process for objections to exhibits. The parties and the Special Master also toured the federal courthouse in Billings, Montana, and discussed possible locations for trial. The Special Master indicated that he would provide the parties with a schedule of his availability during the trial in the near future.

9. On July 29, 2013, Wyoming served its Responses to Montana's Second Set of Interrogatories.

10. On July 30, 2013, Wyoming took the deposition of Dale E. Book, P.E., in Denver regarding his rebuttal report. With the conclusion of this deposition, discovery is now complete.

11. On August 2, 2013, the parties will file their respective responses to the pending Motions for Summary Judgment.

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Dated this 2nd day of August, 2013.

Respectfully submitted,

THE STATE OF WYOMING



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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the Wyoming Status Report No. 19 was served by electronic mail and by placing the same in the United States mail, postage paid, this 2nd day of August, 2013.

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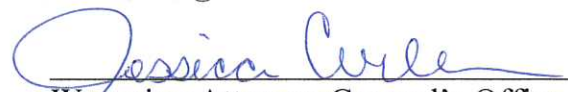
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