

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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WYOMING'S STATUS REPORT NO. 18

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The State of Wyoming presents the following Status Report No. 18 pursuant to Section VII.D. of Case Management Plan No.1:

1. On June 10, 2013, Wyoming filed its Motion to Strike the Report and Exclude the Testimony of Douglas R. Littlefield, PH.D.

2. On June 10, 2013, Wyoming filed its Proposed Motion to Compel related to Montana's responses to Wyoming's Third Set of Interrogatories, Second Request for Production of Documents, and Second Request for Admissions.

3. On June 11, 2013, attorney David Willms filed his Motion to Withdraw as Counsel and a proposed Order Granting Motion to Withdraw as Counsel as a result of his leaving employment of the Wyoming Attorney General's Office.

4. On June 11, 2013, Wyoming issued a subpoena for the production of documents to the Northern Cheyenne Tribe.

5. On June 11, 2013, Wyoming filed its Disclosure of Non-Expert Witnesses.

6. On June 11, 2013, Montana served its Second Set of Interrogatories and Requests for Production on Wyoming.

7. On June 11, 2013, Montana filed its Supplemental Disclosures of Potential Fact Witnesses.

8. On June 13, 2013, the Special Master issued his Order Granting Motion to Withdraw as Counsel regarding David Willms.

9. On June 14, 2013, Wyoming issued its Notice of Deposition of Decker Coal Company, and deposed a designated Decker Coal Company representative in Salt Lake City, Utah, on June 18, 2013.

10. By letter dated June 17, 2013, Wyoming provided Montana with supplementary documents responsive to discovery.

11. On June 19, 2013, Wyoming issued its Notice of Deposition of John Wheaton, and deposed Mr. Wheaton in Helena Montana on June 21, 2013.

12. On June 19, 2013, the Northern Cheyenne Tribe accepted service of Wyoming's Subpoena for the production of documents.

13. On June 24, 2013, Montana issued Notices of Deposition for Wyoming water Commissioners David Schroeder and Dave Pelloux. Montana deposed Mr. Schroeder and Mr. Pelloux on June 27, 2013, in Sheridan, Wyoming.

14. On June 26, 2013, Montana filed its Response to Wyoming's Proposed Motion to Compel.

15. On June 27, 2013, Montana and Wyoming submitted a proposed Case Management Order No. 11 to the Special Master for his review.

16. On June 28, 2013, the States of Montana, Wyoming and North Dakota filed a Stipulated Dismissal with Prejudice of Montana's Powder River Basin Claims.

17. A Status Conference was held on July 1, 2013. During the Status Conference the Special Master and the parties discussed the stipulated dismissal of Montana's Powder River Basin claims, the proposed Case Management Order No. 11, possible trial location availability of facilities in Billings, Montana, the planned Tongue River Basin tour, and Wyoming's Motion to Compel related to Montana's responses to Wyoming's Third Set of Interrogatories, Second Request for Production of Documents, and Second Request for Admissions.

18. On July 2, 2013, the Special Master issued his Decision & Order of the Special Master on Wyoming's Motion to Compel, recognizing that Montana agreed to amend its response to various Requests for Admission, and ordering Montana to supplement its answers to various interrogatories and requests for production propounded to Montana by Wyoming. Montana shall supplement its answers by July 12, 2013.

19. On July 3, 2013, Wyoming filed its Motion for Summary Judgment and its Memorandum in Support.

20. On July 3, 2013, Montana filed its Motion for Summary Judgment on the Compact's Lack of Specific Intrastate Administration Requirements and Brief in Support.

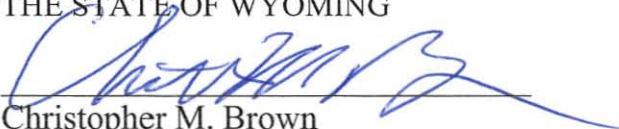
21. As indicated in the proposed Case Management Order No. 11, Montana and Wyoming have agreed to the taking of additional depositions to accommodate the deposition of any rebuttal expert or any fact witness disclosed for the first time on June 11, 2013. However, in no event should depositions continue beyond July 30, 2013.

22. The parties and the Special Master have agreed to take a tour of the Tongue River Basin beginning on July 22, 2013, through July 25, 2013, ending with a viewing of the potential trial facilities located in Billings, Montana.

Dated this 5th day of July, 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. 18 was served by electronic mail and by placing the same in the United States mail, postage paid, this 5th day of July, 2013.

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