

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. 9

GREGORY A. PHILLIPS
Attorney General of Wyoming

PETER K. MICHAEL*
Chief Deputy Attorney General

JAY JERDE
Deputy Attorney General

JAMES KASTE
Senior Assistant Attorney General

CHRISTOPHER BROWN
Senior Assistant Attorney General

DAVID J. WILLMS
Senior Assistant Attorney General

123 Capitol Building
Cheyenne, WY 82002
(307) 777-6196

**Counsel of Record*

The State of Wyoming presents the following Status Report No. 9 pursuant to Section VII.D. of Case Management Plan No.1:

1. On September 17 and 18, 2012, Wyoming inspected the records of Art Hayes, Jr., president of Tongue River Water Users' Association. Wyoming provided copies of the documents it retained as a result of the inspection to Montana and North Dakota on October 3, 2012.

2. On August 7, 2012, the State of Montana asked the State of Wyoming to determine the availability of Mike Whitaker, Carmine LoGuidice, Jeff Fassett, Loren Smith, Pat Boyd, and Bill Knapp for depositions after the conclusion of the discovery moratorium. On August 23, 2012, in conformity with the Case Management Orders entered in this case, Wyoming requested that Montana provide an estimate of the time needed with each witness to facilitate scheduling. On August 29, 2012, Montana indicated that it would consider the issue and respond after the completion of the trial in the Republican River case.

3. On September 18, 2012, Wyoming again requested that Montana provide an estimate of the time needed to depose each of the six witnesses Montana had identified. Concurrently, Wyoming requested that Montana ascertain the availability of and begin to schedule the depositions of Mary Sexton, John Wheaton, Tim Davis, John Tubbs, Russ Levens, Kevin Smith, Glen McDonald, Christine Smith, Jim Robinson, Dan Buffalo (Ashenberg), Charles Gebhart, Charles Kepper, Art Hayes, Herb Mobley, Roger Muggli, Twila Jo Talcot, Glen Gay, Jim Bauder, Mark Fix, Rex Mongold, Allen Fjell,

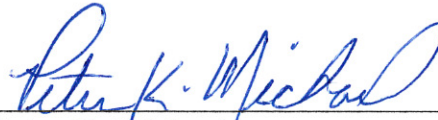
Terry McLaughlin, and Chuck Dalby. To date no additional depositions have been scheduled in this matter.

4. On September 18, 2012, Wyoming served its Second Set of Interrogatories to Montana and its First Request for Admissions on Montana.

Dated this 5th day of October, 2012.

Respectfully submitted,

THE STATE OF WYOMING



Peter K. Michael
Counsel of Record
Chief Deputy Attorney General
123 Capitol Building
Cheyenne, WY 82002
307-777-6946

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the Wyoming's Status Report No. 9 was served by electronic mail and by placing the same in the United States mail, postage paid, this 5th day of October, 2012.

Jeanne S. Whiteing
Attorney at Law
1628 5th Street
Boulder, CO 80302
jwhiteing@whiteinglaw.com

Jennifer Anders
Montana Attorney General's Office
P.O. Box 201401
Helena, MT 59620-1401
janders@mt.gov

John B. Draper
Jeffrey Wechsler
Montgomery & Andrews
325 Paseo de Peralta
Santa Fe, NM 87501
jdraper@montand.com
jwechsler@montand.com

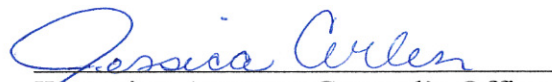
Jennifer Verleger
North Dakota Attorney General's Office
500 North Ninth Street
Bismarck, ND 58501
jverleger@nd.gov

James J. Dubois
United States Department of Justice
Environmental and Natural Resources
Division of Natural Resources Section
999 18th St. #370 South Terrace
Denver, CO 80202
James.dubois@usdoj.gov

Solicitor General of the United States
US Department of Justice
950 Pennsylvania Avenue, Room 5614
Washington, DC 20530-0001
SupremeCtBriefs@usdoj.gov

Michael Wigmore
Bingham McCutchen, LLP
2020 K Street NW
Washington, DC 20006-1806
Michael.wigmore@bingham.com

Barton H. Thompson Jr.
Susan Carter, Assistant
Jerry yang and Akiko Yamazaki
Environment & Energy Building, MC-4205
473 via Ortega
Stanford, CA 94305-4205
Susan.carter@stanford.edu


Wyoming Attorney General's Office