

137 Orig MONTANA V. WYOMING

DECISION BELOW:

LOWER COURT CASE NUMBER:

QUESTION PRESENTED:

The State of Montana excepts to the First Interim Report of the Special Master with respect to the following conclusions on Wyoming's Motion to Dismiss:

1. That Montana has no claim under the Yellowstone River Compact for Wyoming's depletion of flows on which Montana depended at the time of the Compact, where those depletions result from new consumption of irrigation water on lands in Wyoming that were being irrigated at the time of the Compact; and

2. That Wyoming's Compact obligations are contingent upon Montana's actions.

THE FIRST EXCEPTION TO THE SPECIAL MASTER'S FIRST INTERIM REPORT IS SET FOR ORAL ARGUMENT IN DUE COURSE. THE SECOND EXCEPTION IS RECOMMITTED TO THE SPECIAL MASTER. WYOMING'S MOTION TO DISMISS IS DENIED.

10/18/2010 ORDER: MONTANA'S MOTION FOR PARTIAL SUMMARY JUDGMENT IS GRANTED IN PART AND DENIED IN PART WITHOUT PREJUDICE IN ACCORDANCE WITH THE SPECIAL MASTER'S FIRST INTERIM REPORT, AND ANADARKO PETROLEUM'S MOTION FOR LEAVE TO INTERVENE IS DENIED.

JUSTICE KAGAN TOOK NO PART

CERT. GRANTED 10/12/2010