

No. 108, Original

Supreme Court, U.S.

FILED

JUN 19 1987

JOSEPH E. SPANGL, JR.
CLERK

IN THE
Supreme Court of the United States

October Term, 1986

STATE OF NEBRASKA,
Plaintiff,

v.

STATE OF WYOMING,
Defendant.

**NEBRASKA'S ANSWER TO WYOMING'S
COUNTERCLAIM**

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COUNTERCLAIM**

Pursuant to the Court's order of April 29, 1987, the State of Nebraska answers the State of Wyoming's counterclaim as follows:

1. The allegation of paragraph 1 is admitted.
2. The allegations that Nebraska has intentionally circumvented and violated the Decree, and continues to do so, is denied. Specifically, Nebraska denies:
 - a. That it has demanded natural flow water for diversion by irrigation canals at and above Tri-State Dam in excess of the present beneficial use requirements of lands entitled to water from said canals;

b. That it has demanded natural flow and storage water from sources above Tri-State Dam and by-passed or diverted it for uses below Tri-State Dam that are not recognized or authorized by the Decree;

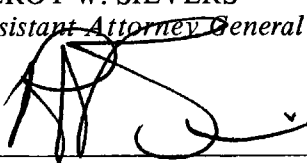
c. That it has used or is using its share of Glendo Reservoir water outside the basin of the North Platte River in western Nebraska, that it has or is using Glendo water for uses other than irrigation, and that Glendo water has or is being used as a substitute for storage water previously available under permanent arrangements.

3. Each allegation of paragraph 3 is denied.
4. Each allegation of paragraph 4 is denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Richard A. Simms, hereby certify that three true and correct copies of Nebraska's Answer to Wyoming's Counterclaim were served on each of the following parties required to be served, in accordance with U.S. Supreme Court Rule 28, by depositing the same in the United States mail with first-class postage prepaid and addressed on this 19th day of June, 1987 to:

The Honorable Charles Fried
United States Solicitor General
United States Department of Justice
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Washington, D.C. 20530

Andrew F. Walch
Land & Natural Resources Division
United States Department of Justice
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Washington, D.C. 20004

The Honorable Michael J. Sullivan
Governor of the State of Wyoming
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The Honorable Joseph B. Meyer
Wyoming Attorney General
State Capitol, Room 123
Cheyenne, Wyoming 82002

The Honorable Roy Romer
Governor of the State of Colorado
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The Honorable Duane Woodard
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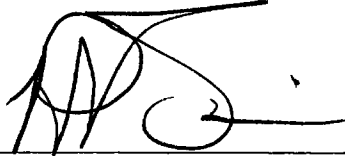
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A handwritten signature in black ink, appearing to read 'R. A. Simms', with a horizontal line extending from the end of the signature.

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