

No. 141, Original

**IN THE
SUPREME COURT OF THE UNITED STATES**

STATE OF TEXAS,

Plaintiff,

v.

STATE OF NEW MEXICO and STATE OF
COLORADO,

Defendants.

**REPLY OF *AMICUS CURIAE* EL PASO COUNTY WATER IMPROVEMENT
DISTRICT NO. 1 TO RESPONSE OF STATE OF TEXAS IN OPPOSITION TO
REQUEST TO PARTICIPATE IN ORAL ARGUMENT**

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May 4, 2015

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COMES NOW El Paso County Water Improvement District No. 1 (“EPCWID”) and submits this reply to the response of the State of Texas (“Texas”) and would respectfully show the honorable Special Master herein as follows:

1. The Texas response relies on Supreme Court Rule 28.7, which is not applicable to proceedings before the Special Master. Rule 17 of the Supreme Court Rules, which governs procedure in an Original Action, does not incorporate or refer to Rule 28.7 of the Supreme Court Rules in any way.
2. When one examines the Order of the Supreme Court dated November 3, 2014, which appointed A. Gregory Grimsal as Special Master in this case, he sees that such order gave the Special Master the authority:

“...to fix the time and conditions for the filing of additional pleadings, to direct subsequent proceedings, to summon witnesses, to issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for.” (Emphasis added).

3. The parties of direct interest in this case are Elephant Butte Irrigation District (“EBID”) and EPCWID, and they have been directly involved in the operation of the Rio Grande Project and the important interrelationship of the Project and the Rio Grande Compact since the inception of the Compact in 1938. Texas is not involved in the operations of the Project. It will benefit the Special Master to hear the oral arguments of EBID and EPCWID, as well as of all parties who have filed briefs in the Original Action.

WHEREFORE, El Paso County Water Improvement District No. 1 respectfully renews its prior request to be allowed to participate in oral argument in support of the State of Texas and the United States in opposition to New Mexico’s Motion to Dismiss Texas’ Complaint and the United States’ Complaint in Intervention, for a time equal to that allowed for the parties.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **REPLY OF AMICUS CURIAE EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. 1 TO RESPONSE OF STATE OF TEXAS IN OPPOSITION TO REQUEST TO PARTICIPATE IN ORAL ARGUMENT**, was served upon counsel by electronic mail and/or first class mail, on the 4th day of May, 2015.

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