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February 28, 2019

Honorable Michael J. Melloy, Special Master
U.S. Court of Appeals for the Eighth Circuit
United States Courthouse
111 Seventh Avenue S.E., Box 22
Cedar Rapids, Iowa 52401-2101
Judge_Michael_Melloy@ca8.uscourts.gov

Re: *State of Texas & United States of America v. State of New Mexico and State of Colorado,
Original No. 141; Elephant Butte Irrigation District – Discovery Issues with State of NM.*

Dear Special Master Melloy,

During the January 18, 2019 telephone conference with Your Honor and all counsel, I mentioned that EBID was in the process of responding to discovery propounded by the State of New Mexico that might require the filing of a motion for protective order. Thereafter, in the Court's January 31, 2019 Amendment to Case Management Plan, Paragraph 2, you directed that "The anticipated discovery motions to be filed by Elephant Butte Irrigation District shall be filed by February 28, 2019".

I am writing to advise that I have been working to resolve the discovery issues informally with counsel for the State of New Mexico and, at this time, EBID does not find it necessary to file any motions related to the pending discovery requests.

Should counsel be unable to fully resolve the matters at issue, I will so advise the Court and seek permission to file any discovery-related motions that may become necessary at a later date.

Sincerely,

BARNCASTLE LAW FIRM

By 

Samantha R. Barncastle, Counsel for EBID

xc: Service List for All Parties (Updated 11/16/2018) (electronically)
SRB/jlc