



MODRALL SPERLING
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June 11, 2020

Special Master Michael J. Melloy
United States Courthouse
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Cedar Rapids, Iowa 52401
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Re: *State of Texas v. State of New Mexico and State of Colorado*
United State Supreme Court, Original No. 141

Dear Special Master Melloy:

El Paso County Water Improvement District No. 1 (“EPCWID”) is in receipt of the letter sent today by the State of Texas, the State of New Mexico, the State of Colorado and the United States regarding selection of a mediator. EPCWID does not have any comment on, or objection to the proposed mediators or the proposed technical advisors.

However, EPCWID disagrees with the parties’ assessment that EPCWID should be excluded from the mediation at the “start.” Whatever the merits of limiting the number of mediation participants at the beginning, that logic does not extend to exclusion of EPCWID, a direct Rio Grande Project participant and beneficiary. Your Honor has previously recognized the special status of EPCWID based on its direct and unique interests as one of the two beneficiaries of the water supply from the Rio Grande Project. As the downstream irrigation district in the Rio Grande Project, EPCWID’s contractual and related interests in this original action are fundamental to the resolution of the dispute before the Court. Commencing mediation without EPCWID’s participation would be inappropriate and inefficient.

EPCWID appreciates your Honor’s consideration of this important issue. We look forward to the discussion at the Status Conference tomorrow.

Very truly yours,

Maria O'Brien

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