

No. 141, Original

In the Supreme Court of the United States

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STATE OF TEXAS, PLAINTIFF,

UNITED STATES OF AMERICA, PLAINTIFF-IN-INTERVENTION,

v.

STATE OF NEW MEXICO

AND

STATE OF COLORADO,  
DEFENDANTS.

◆  
**OFFICE OF THE SPECIAL MASTER**

◆  
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**RESPONSE BY AMICUS EL PASO COUNTY WATER IMPROVEMENT DISTRICT  
NO. 1 TO THE PARTIES' SEPTEMBER 21, 2022,  
JOINT STATUS REPORT**

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El Paso County Water Improvement District No. 1 (EPCWID) responds to “The Parties’ Joint Status Report” filed September 21, 2022 as follows.

1. EPCWID supports settlement efforts and continues to encourage the Parties to work toward a negotiated resolution. Settlement is the most efficient path toward a timely and comprehensive resolution of the myriad issues implicated by the matter before the Court. In this regard, EPCWID emphasizes how important is that it and Elephant Butte Irrigation District (EBID) be closely involved in these efforts, particularly

because they so palpably affect their interests and rights as part of the Rio Grande Project.

2. If the Parties resume litigation, EPCWID responds to a few items regarding pre-trial and trial procedures proposed by the Parties in their Joint Status Report.
  - a. **Part IX.** EPCWID supports the Parties' request for a remote option to view the trial. As the Special Master knows, EPCWID maintains a unique and significant interest in this matter and the trial of the issues raised by the claims and counterclaims. EPCWID plans to attend trial in person and monitor those parts of trial germane to EPCWID's specific interests. A remote option would allow EPCWID to continue to monitor the proceedings for parts of the trial less directly relevant to its interests without the expense and time associated with in-person attendance.
  - b. **Part X.** EPCWID requests the Special Master specifically include the right of *amici* to submit trial briefs. The Special Master afforded *amici* the opportunity to participate in summary judgment briefing, and "Segment 2" of the trial comes after significant testimony of witnesses from EPCWID and EBID in Segment 1. The second phase of the trial also will include substantial testimony of experts from each of the Districts as well as expert testimony of witnesses from the United States relating to Rio Grande Project matters. *Amici*, in particular EBID and EPCWID, should be afforded the opportunity to file trial briefs.

Respectfully submitted this 23<sup>rd</sup> day of September, 2022.

/s/ Maria O'Brien

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**OFFICE OF THE SPECIAL MASTER**



**EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. 1'S**

**CERTIFICATE OF SERVICE**

This is to certify that on the 23<sup>rd</sup> day of September, 2022, I caused a true and correct copy of the **Response by Amicus El Paso County Water Improvement District No. 1 to the Parties' September 21, 2022 Joint Status Report** to be served by e-mail upon all counsel of record and interested parties on the Service List, attached hereto.

Respectfully submitted this 23<sup>rd</sup> day of September, 2022.

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