

No. 141, Original

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In the  
SUPREME COURT OF THE UNITED STATES

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STATE OF TEXAS,

Plaintiff,

v.

STATE OF NEW MEXICO and  
STATE OF COLORADO,

Defendants.

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OFFICE OF THE SPECIAL MASTER

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ORDER

September 16, 2019

## ORDER

For the purposes of the proceedings before the Special Master, IT IS HEREBY ORDERED:

The Clerk of Court for the Eighth Circuit has received a document from Dr. William M. Turner, Trustee, representing an organization known as WaterBank. The document includes a cover letter dated September 12, 2019, together with a document entitled "The Embargo on the Upper Rio Grande," purportedly authored by Ottamar Hamеле, Special Attorney Representing the Bureau of Reclamation before the Rio Grande Commission. Dr. Turner has requested that the cover letter and accompanying document be filed in the pending original action, No. 141, *Texas v. New Mexico*.

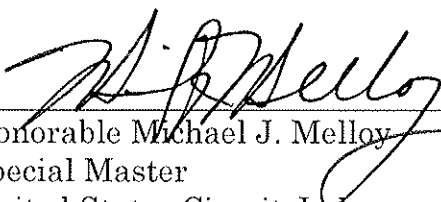
I am directing Mr. Gans to not file or lodge the document in Original No. 141, nor will other documents be filed that are submitted by non-parties (parties for this purpose to include amici). Dr. Turner and any other interested party who believe they have information relevant to the dispute in Original No. 141 should submit the materials to the parties in this case. The parties can then determine if the documents should be filed as relevant to any of the disputes currently pending before the Special Master.

I would also note that some of the parties have indicated that they plan to retain a historical expert to opine as to the history of the 1938 Compact between Texas, New Mexico and Colorado. Each party, and their retained historical expert, can determine what relevance, if any, documents such as the one submitted by Dr. Turner have to the historical analysis.

Finally, I would note that I did authorize Lana E. Marcussen, a non-party, to file documents in this case. I had not anticipated that allowing that filing might open the potential for additional non-parties to file documents that may or may not have any relevance to this proceeding. In retrospect, it may have been a mistake to

allow the filing by Ms. Marcussen, but I will not strike the document at this time. However, as indicated, I will not allow further filings by non-parties.

Dated: September 16, 2019.



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Honorable Michael J. Melloy  
Special Master  
United States Circuit Judge  
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