

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.

BEFORE THE SPECIAL MASTER

STATE OF COLORADO'S REQUEST FOR SUPPLEMENTATION
OF CASE MANAGEMENT ORDER NO. 4

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June 26, 2015

COMES NOW the State of Colorado by and through counsel and submits this Request for Supplementation of Case Management Order No. 4, which was issued June 22, 2015. In support of this request, the State of Colorado states the following:

1. Counsel for the State of Colorado has conferred or attempted to confer with counsel for the State of Texas, the State of New Mexico, the United States of America, the City of Las Cruces, New Mexico, El Paso County Water Improvement District No. 1, and Elephant Butte Irrigation District concerning this Request for Supplementation of Case Management Order No. 4. The State of Texas, the City of Las Cruces, New Mexico, and El Paso County Water Improvement District No. 1 do not oppose this Request. Elephant Butte Irrigation District does not oppose this Request, on condition that if Colorado raises issues or arguments that the parties opposing Elephant Butte Irrigation District's Motion to Intervene did not raise in their responses to Elephant Butte Irrigation District's Motion to Intervene, Elephant Butte Irrigation District be allowed an additional five minutes of rebuttal time to respond. Counsel for the State of New Mexico does not concur with the Request regarding the Motion to Dismiss. The United States of America did not inform the State of Colorado of its position on this Request by the time of filing.

2. Case Management Order No. 4 provides that any request to modify or supplement the order be submitted to the Special Master on or before Friday, June 26, 2015. The State of Colorado timely submits this Request for Supplementation of Case Management Order No. 4.

3. Case Management Order No. 4 sets the dates and times for hearings on the State of New Mexico's Motion to Dismiss and Elephant Butte Irrigation District's Motion to Intervene.

4. Case Management Order No. 4 allots time to present oral argument at the hearing on the State of New Mexico's Motion to

Dismiss to the State of New Mexico, the State of Texas, the United States of America, the City of Las Cruces, New Mexico, and El Paso County Water Improvement District No. 1.

5. Case Management Order No. 4 allots time to present oral argument at the hearing on Elephant Butte Irrigation District's Motion to Intervene to Elephant Butte Irrigation District, the State of Texas, the State of New Mexico, and the United States of America.

6. Case Management Order No. 4 does not allot time to the State of Colorado to present oral argument at the hearings on the State of New Mexico's Motion to Dismiss and Elephant Butte Irrigation District's Motion to Intervene.

7. The Special Master held a status conference on April 23, 2015. Among other things, the Special Master and counsel for the parties discussed the date and venue for oral argument on the State of New Mexico's Motion to Dismiss.

8. During the status conference, counsel for Colorado requested that the State of Colorado be allowed to present oral argument at the hearing on the State of New Mexico's Motion to Dismiss. More specifically, counsel for Colorado requested that, as a signatory state to the Rio Grande Compact, it be allowed to present rebuttal on issues concerning Colorado's interests in the Rio Grande Compact and on interstate compact jurisprudence. The Special Master granted Colorado's request, but did not allot Colorado a specific amount of time to present oral argument.

9. The State of Colorado renews its request that it be allowed to present oral argument at the hearing on the State of New Mexico's Motion to Dismiss. The State of Colorado respectfully requests that the Special Master supplement Case Management Order No. 4 to allot to the State of Colorado 30 minutes to present oral argument, the same amount of time allotted to the State of Texas and the United States of America.

10. The State of Colorado responded to Elephant Butte Irrigation District's Motion to Intervene on January 29, 2015.

11. As a signatory state to the Rio Grande Compact, a party in this proceeding, and having filed a written response to the motion at issue, the State of Colorado respectfully requests that the Special Master supplement Case Management Order No. 4 to allot to the State of Colorado 30 minutes to present oral argument at the hearing on Elephant Butte Irrigation District's Motion to Intervene, the same amount of time allotted to Elephant Butte Irrigation District, the State of Texas, the State of New Mexico, and the United States of America.

IN CONCLUSION, the State of Colorado respectfully requests that the Special Master supplement Case Management Order No. 4 to allot to the State of Colorado 30 minutes to present oral argument at the hearing on the State of New Mexico's Motion to Dismiss. The State of Colorado also respectfully requests that the Special Master supplement Case Management Order No. 4 to allot to the State of Colorado 30 minutes to present oral argument at the hearing on Elephant Butte Irrigation District's Motion to Intervene.

Respectfully submitted by:

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CERTIFICATE OF SERVICE

This is to certify that on the 26th day of June 2015, I caused a true and correct copy of the **State of Colorado's Request for Supplementation of Case Management Order No. 4** to be served upon the following via electronic mail and/or US Mail as indicated:

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