

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,

UNITED STATES OF AMERICA,

Intervenor.

ORDER

In a previous order, the undersigned scheduled a hearing for Monday September 29, 2025, on the parties' forthcoming motions related to settlement. ECF No. 48. As an initial matter, and upon the parties' request, it is hereby

ORDERED that the hearing shall commence at 9:00 AM on Tuesday September 30, 2025. The hearing's location remains the Albert Branson Maris

Courtroom on the 19th floor of the James A. Byrne U.S. Courthouse, 601 Market St., Philadelphia, Pennsylvania 19106.

With respect to said hearing, it is FURTHER ORDERED as follows:

1. The parties shall provide the Special Master with their suggested sequence of the presentations and a mere approximation of the amount of time such presentations may reasonably be anticipated to last.
2. The parties previously indicated that the proposed settlement will include agreement to its terms by two amici, Elephant Butte Irrigation District (“EBID”) and El Paso County Water Improvement District No. 1 (“EP1”). ECF No. 45 at 3. EBID and EP1 shall present after the parties have concluded. Those amici should also provide the Special Master with estimates of the amount of time their presentations are expected to last. Any other amici who wish to do so may offer their comments, in writing, within ten (10) days of the conclusion of the aforesaid hearing.
3. The parties should be prepared to: (1) present the proposed settlement to the Special Master, including a detailed overview of the settlement’s provisions and practical effects; (2) explain why the proposed settlement constitutes a fair and reasonable resolution of the above-captioned matter; and (3) explain how the proposed settlement is consistent with the 1938 Compact and other

relevant federal law. These matters should also be addressed in the parties' forthcoming motions related to settlement.

4. The parties should feel free to divide between counsel the responsibility for presenting during the hearing specific substantive provisions of the proposed settlement agreement and related subject matter.
5. Although this will not be an evidentiary hearing, the parties are free to reference and utilize previously produced testimony, exhibits, and other demonstrative evidence that may assist the Special Master in understanding the terms of the proposed settlement. Where specific testimony presented during the partial trial has been relied upon, counsel are directed to provide appropriate and accurate citations thereto.
6. The Special Master directs that the Mediator, Judge Arthur Boylan, shall attend the hearing.

By order dated this 25th day of July, 2025:

s/D. Brooks Smith

Honorable D. Brooks Smith

Special Master

United States Circuit Judge

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