

# SUPREME COURT OF THE UNITED STATES

---

IN THE SUPREME COURT OF THE UNITED STATES

-----  
TEXAS, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 141, Orig.  
 )  
 NEW MEXICO AND COLORADO, )  
 )  
 Defendants. )  
-----

Pages: 1 through 77  
Place: Washington, D.C.  
Date: March 20, 2024

---

**HERITAGE REPORTING CORPORATION**  
*Official Reporters*  
1220 L Street, N.W., Suite 206  
Washington, D.C. 20005  
(202) 628-4888  
[www.hrccourtreporters.com](http://www.hrccourtreporters.com)



1	C O N T E N T S	
2	ORAL ARGUMENT OF:	PAGE:
3	FREDERICK LIU, ESQ.	
4	On behalf of the United States	3
5	ORAL ARGUMENT OF:	
6	LANORA C. PETTIT, ESQ.	
7	On behalf of Texas	38
8	ORAL ARGUMENT OF:	
9	JEFFREY J. WECHSLER, ESQ.	
10	On behalf of New Mexico	64
11	REBUTTAL ARGUMENT OF:	
12	FREDERICK LIU, ESQ.	
13	On behalf of the United States	73
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

P R O C E E D I N G S

(11:31 a.m.)

CHIEF JUSTICE ROBERTS: We'll hear argument next in Case 141 on the original docket, Texas against New Mexico and Colorado.

Mr. Liu.

ORAL ARGUMENT OF FREDERICK LIU  
ON BEHALF OF THE UNITED STATES

MR. LIU: Mr. Chief Justice, and may it please the Court:

A consent decree requires consent. The proposed consent decree in this case, however, would dispose of the United States' claims without its consent. The decree would impose obligations on the United States without its consent. And the decree would bind the United States to an interpretation of the Rio Grande Compact that is contrary to the Compact itself. For each of those reasons, the proposed decree should be rejected.

I want to emphasize why the United States is here today. The Compact apportions the water below Elephant Butte. The Compact does so by incorporating and protecting the delivery of water by the Rio Grande Project to

1 Mexico and to two irrigation districts, one in  
2 New Mexico and the other in Texas. The United  
3 States intervened in this case to enforce the  
4 Compact's protection of the project.

5 As New Mexico acknowledges, the  
6 Compact imposes on New Mexico a duty not to  
7 interfere with the Project's delivery of water.  
8 The United States claims that New Mexico is  
9 violating that duty by allowing too much  
10 groundwater pumping.

11 Six years ago, this Court upheld the  
12 United States' right to pursue those Compact  
13 claims, recognizing that the United States has  
14 distinctively federal interests in protecting  
15 the supply and the allocation of Project water.  
16 Those distinctively federal interests are why  
17 the United States is still here today.

18 In the United States' view, the  
19 proposed decree fails to address the groundwater  
20 pumping that precipitated this suit in the first  
21 place. Instead, the proposed decree would allow  
22 that pumping to continue at unsustainable  
23 levels, and it would not stop that pumping from  
24 taking water from the Project's beneficiaries,  
25 namely, the two irrigation districts and -- and

1 -- and Mexico.

2           The proposed decree would thus fail to  
3 protect the Project or the Compact's  
4 apportionment, and that is why the United States  
5 could not give its consent to this proposed  
6 decree.

7           I welcome the Court's questions.

8           JUSTICE THOMAS: Mr. Liu, does the  
9 United States have a claim that's independent of  
10 the states'?

11           MR. LIU: Of course we do, Justice  
12 Thomas.

13           JUSTICE THOMAS: What is -- what is  
14 that claim?

15           MR. LIU: That's the claim that we've  
16 brought since the beginning of this case. It's  
17 the claim that this Court held in 2018 is a  
18 claim we -- that's backed by distinctively  
19 federal interests. It's a claim that says New  
20 Mexico is violating its delivery obligation  
21 under the Compact.

22           JUSTICE THOMAS: Is that a claim that  
23 we would normally look at in an original action,  
24 or is that a claim that could be vindicated in  
25 another forum?

1           MR. LIU:  It's not a claim that can be  
2 vindicated in another forum.  I think it's  
3 actually a perfect fit for this -- this Court's  
4 original jurisdiction because it is a claim  
5 arising under an interstate commerce that we  
6 have brought against another sovereign state.  
7 That's precisely the sort of disputes that I  
8 think this Court has long held is appropriate  
9 for this Court to arise -- to -- to exercise  
10 original jurisdiction over.

11           JUSTICE THOMAS:  You're an intervenor  
12 -- the U.S. is an intervenor, right?

13           MR. LIU:  Correct.

14           JUSTICE THOMAS:  When you intervened,  
15 I thought our understanding was that you were --  
16 your -- your interest was consistent with that  
17 of the State of Texas?

18           MR. LIU:  Yes.  And our -- and to be  
19 clear, our underlying claims are exactly the  
20 same as they were --

21           JUSTICE THOMAS:  Well, but Texas and  
22 New Mexico -- and it's rare that we have the  
23 states who actually agree on anything -- but  
24 Texas and New Mexico have agreed.  So what -- if  
25 your interest is the same as Texas's interest,

1 then why are you still here?

2 MR. LIU: No, I want to distinguish  
3 between two things. Our -- our claims are the  
4 same.

5 JUSTICE THOMAS: Yeah.

6 MR. LIU: The claims are the same, but  
7 our interests have always been different. I  
8 mean, that was the point of the 2018 decision.  
9 If our interests were the same, then, you know,  
10 that -- that's basically what the states said  
11 six years ago. The United States has the same  
12 interests, so just let them remain as amicus in  
13 this case --

14 JUSTICE GORSUCH: Counsel --

15 MR. LIU: -- supporting Texas.

16 JUSTICE GORSUCH: -- counsel, if I  
17 might just follow up on that. You're -- you're  
18 -- you're invoking the 2018 decision.

19 MR. LIU: Right.

20 JUSTICE GORSUCH: As I recall it --  
21 and I -- I pulled it up because it didn't quite  
22 match what I thought I'd heard you say -- we  
23 said that this case does not present the  
24 question whether the United States could  
25 initiate litigation to force a state to perform



1 its obligations under the Compact or expand the  
2 scope of an existing controversy between the  
3 states. And we emphasized that it asserted its  
4 Compact claims seeking substantially the same  
5 relief as Texas's without Texas's objection.

6 That's no longer true. None of that's  
7 true anymore.

8 MR. LIU: Well, I -- I would  
9 respectfully disagree, Just -- Justice Gorsuch.  
10 I think we are -- are pursuing the same --

11 JUSTICE GORSUCH: Seeking  
12 substantially the same relief as Texas? Then  
13 how come they're on the other side?

14 MR. LIU: Well, I -- I think, if you  
15 look at the operative complaints in this case,  
16 the -- the relief we're seeking here is the same  
17 as the relief that Texas is seeking. What's  
18 changed since the 2018 decision isn't a change  
19 in the nature of the claims. Our claims --  
20 Texas and the United States are still pursuing  
21 the same claims.

22 What's changed is a difference in  
23 litigating position. And I don't read the  
24 Court's paragraph, that passage you just read,  
25 Justice Gorsuch, as suggesting that after having

1 let the United States in the case, that the  
2 Court was going to continue policing --

3 JUSTICE GORSUCH: I've got to say  
4 you're making me regret that decision.

5 (Laughter.)

6 MR. LIU: Well, no, Justice Gorsuch, I  
7 read that -- I -- I read that -- that paragraph  
8 as standing for the --

9 JUSTICE GORSUCH: The representation  
10 we had in 2018 was we're -- we're just here  
11 because we help enforce the Compact.

12 MR. LIU: Yes.

13 JUSTICE GORSUCH: And -- and we have  
14 to administer the Compact, and we are completely  
15 aligned with Texas. And that made sense. But  
16 you didn't have -- you're -- you're not a party  
17 in the sense that you have some interest here  
18 other than -- administering the Compact. And at  
19 the end of the day, it's a compact between  
20 states that we're adjudicating here in an  
21 original action, right?

22 MR. LIU: Yeah, just two quick  
23 responses. I -- I think, back in -- in 2018,  
24 the representation before this Court was that  
25 the parties' litigating positions may well

1 diverge as the case goes on precisely because  
2 the United States has different interests than  
3 Texas. That's what New Mexico told the Court,  
4 what Colorado did, what the United States told  
5 the Court. And we reiterated it at oral  
6 argument, that the interests were different.

7 Now --

8 JUSTICE GORSUCH: Let's say we had  
9 denied you intervention, okay? You wouldn't  
10 have been a party to the litigation. Do you  
11 agree that your water deliveries under the  
12 Compact, you -- you'd have to make them pursuant  
13 to the consent decree?

14 MR. LIU: If we hadn't intervened, no.  
15 I mean, I think even if we weren't --

16 JUSTICE GORSUCH: The Compact would  
17 bind you, wouldn't it?

18 MR. LIU: Even if we were not a party,  
19 a consent decree cannot bind any third party,  
20 whether they're a formal party to the case or  
21 not. And that's just --

22 JUSTICE GORSUCH: But you'd have your  
23 litigating -- you -- you'd have the opportunity  
24 to litigate that in federal court, federal  
25 district court, those claims, your arguments.

1 But, otherwise, the Compact is the Compact,  
2 right?

3 MR. LIU: Yeah, I don't -- Justice  
4 Gorsuch, I -- I don't think that's the under --

5 JUSTICE GORSUCH: Under the  
6 Reclamation Act, your -- your responsibility is  
7 to administer the Compact?

8 MR. LIU: That -- that's -- that's  
9 correct. Under reclamation law, we have  
10 contracts with the two irrigation districts that  
11 are at issue in this case, and the problem with  
12 this consent decree is that it would impose  
13 obligations on us that are actually contrary to  
14 those downstream contracts.

15 And so, when this Court said in 2018  
16 that the Compact implicitly incorporates, can be  
17 thought to implicitly incorporate the downstream  
18 contracts, that -- that -- that's a real  
19 problem, that the consent decree --

20 JUSTICE JACKSON: So, Mr. --

21 JUSTICE GORSUCH: Do you agree that  
22 the Reclamation Act requires you to follow state  
23 water law unless there's a clear congressional  
24 directive to the contrary?

25 MR. LIU: That is correct. But I -- I

1 will say this. This consent decree is not state  
2 water law. This consent decree is an agreement  
3 between two states that they wish to have  
4 embodied in a federal judgment. And so Section  
5 8 of the Reclamation Act has nothing to say  
6 about whether this consent decree can be imposed  
7 on the United States.

8 JUSTICE KAGAN: Mr. -- Mr. Liu, I --  
9 I -- I think I need more facts to really know  
10 what to make of this case. I mean, you're here.  
11 The two water districts that get water from this  
12 Compact are still on the United States' side.

13 MR. LIU: Correct.

14 JUSTICE KAGAN: But -- but Texas has  
15 given up the ghost, if you will.

16 MR. LIU: Right.

17 JUSTICE KAGAN: Why? What has  
18 happened --

19 MR. LIU: Right.

20 JUSTICE KAGAN: -- so that these  
21 different entities have diverged?

22 MR. LIU: Right.

23 JUSTICE KAGAN: And what do you still  
24 want that Texas has decided is unnecessary?

25 MR. LIU: Right. So here -- here's

1 what we want. We want the same thing we wanted  
2 in 2018 when this -- this Court approved our  
3 claim. So the easiest way to -- to understand  
4 this is to break down the elements of our claim,  
5 duty, breach, remedy.

6 With respect to duty, we want the  
7 Court to recognize that New Mexico has a duty of  
8 non-interference with respect to the Project.  
9 The problem with this consent decree is that  
10 instead of recognizing that duty of  
11 non-interference, it gives the states a right to  
12 interfere with the Project by forcing water --

13 JUSTICE KAGAN: Do you -- do you want  
14 the 1938 baseline?

15 MR. LIU: We do. And that goes to the  
16 second element of breach. We -- we came in --  
17 we -- we, since -- since this Court's 2018  
18 decision, have litigated alongside Texas all the  
19 way -- partway through a trial that the right  
20 baseline against which to measure New Mexico's  
21 interference was a 1938 baseline.

22 JUSTICE KAGAN: And you want this why?  
23 Because you think what will happen? Are your  
24 treaty obligations at stake? Are you just  
25 fearful that the water districts won't have the

1 water that they need? What -- what's the  
2 thought here? And -- and, again, what's your  
3 understanding of why you and Texas diverge?

4 MR. LIU: Yes, it's -- it's -- it's --  
5 our concerns here go to both the supply of  
6 Project water and its allocation. We are  
7 concerned that the groundwater pumping is  
8 occurring at unsustainable levels, which will  
9 have a devastating effect over the long term on  
10 the supply of Project water, and that will mean  
11 down the road that we might not have enough  
12 water to meet irrigation demands in the  
13 districts and in Mexico.

14 We're also concerned about the  
15 allocation of water, and by that, I mean the  
16 allocation is currently accomplished through the  
17 downstream contracts that the government has  
18 entered into and the treaty with Mexico.

19 What this consent decree does is  
20 replace that division of water with a division  
21 of the state's own making.

22 As to why Texas has basically  
23 capitulated its position in this case, it was --  
24 everyone agreed in -- in its complaint it was  
25 looking for a 1938 baseline when it filed the

1 complaint in 2013.

2 Why has it now given that up?

3 Frankly, to the United States, it is  
4 inexplicable, but I think it only highlights the  
5 importance of the government's intervention in  
6 this case.

7 JUSTICE GORSUCH: Well, if it's  
8 inexplicable --

9 JUSTICE ALITO: Well, who --

10 JUSTICE GORSUCH: -- how long -- how  
11 much water has the federal government  
12 misallocated over the last 40 years? It hasn't  
13 used the 1938 baseline in -- in decades.

14 MR. LIU: The -- the allocation of the  
15 water in the last 40 years has been pursuant to  
16 an operating agreement, but I think it's  
17 important to understand what that operating  
18 agreement addresses.

19 That operating agreement doesn't  
20 address whether New Mexico is -- is complying  
21 with the Compact. New Mexico isn't even a party  
22 to the operating agreement, wasn't even in the  
23 room when the operating agreement -- agreement  
24 was consummated. Rather --

25 JUSTICE ALITO: Who in -- who in



1 concrete terms is being hurt by this agreement?

2 Which entities here or abroad object to it?

3 MR. LIU: Well, the -- we have  
4 entities right here in this Court, the -- the  
5 two irrigation districts.

6 JUSTICE ALITO: And -- and they're in  
7 Texas, right?

8 MR. LIU: No. One is in New Mexico  
9 and one is in Texas.

10 JUSTICE ALITO: Okay. All right. And  
11 so they are -- do you think they -- they have a  
12 right to assert an interest that's inconsistent  
13 with that's -- that's asserted by their states?

14 MR. LIU: They do with respect to  
15 their relationship to the federal government.  
16 This Court has long recognized that the *parens*  
17 *patriae* principle extends only to the states'  
18 representation of their own citizens with  
19 respect to state interests.

20 JUSTICE ALITO: So that's what's  
21 involved? Is that what's involved? New Mexico  
22 and Texas are not treating these particular  
23 districts fairly?

24 MR. LIU: I think that's part of the  
25 problem.

1 JUSTICE ALITO: What else is -- what's  
2 the rest of the problem?

3 MR. LIU: The other part of the  
4 problem is that the level of groundwater pumping  
5 at the D-2 level is in our view unsustainable in  
6 the long term, and so the -- the -- the  
7 long-term viability of the Project itself is at  
8 risk.

9 I mean, when -- when we talk about the  
10 districts, they're -- I -- I want to spell out  
11 why -- why we think they're being treated  
12 unfairly. I mean, the Reclamation Act of 1902  
13 reflects a basic bargain between reclamation and  
14 irrigation districts.

15 On the United States' end of the  
16 bargain, we promised to build the major  
17 infrastructure, the dams and the reservoirs, and  
18 to deliver water to meet irrigation needs in the  
19 districts.

20 On the other end of the bargain, the  
21 districts agreed to pay construction, operation,  
22 and maintenance costs to defray the costs that  
23 the United States invested into the Project.

24 And what this consent decree does is  
25 just undermine that bargain because what happens

1 under the consent decree is that the district in  
2 New Mexico bears the brunt of any continued or  
3 increased pumping in New Mexico.

4 What happens under the decree is, if  
5 groundwater pumping remains the same or goes up,  
6 what New Mexico can choose to do is to force the  
7 United States to transfer water from the New  
8 Mexico district to Texas.

9 And so what happens is the one  
10 district in New Mexico that actually has a  
11 contract with the United States, that has paid  
12 millions of dollars in construction charges and  
13 continues to pay hundreds of thousands of  
14 dollars each year in operation and maintenance,  
15 they bear the brunt of groundwater pumping. The  
16 ones who are entitled --

17 JUSTICE SOTOMAYOR: Mr. Liu --

18 MR. LIU: -- have to give up their  
19 water.

20 JUSTICE SOTOMAYOR: -- I -- I've been  
21 -- I've been a little bit -- confused by this  
22 case because -- and starting with Justice  
23 Gorsuch's question. I thought I remembered, and  
24 I now have a copy of the appendix -- I think  
25 it's to your exception -- on page 27A, compacts

1 are agreements by the states, but they have to  
2 be consented to by the United States, correct?

3 MR. LIU: That's right.

4 JUSTICE SOTOMAYOR: And to the extent  
5 that you're arguing that this Compact has been  
6 changed, whether you're right or wrong, that --  
7 that will have to be litigated, correct?

8 MR. LIU: Right.

9 JUSTICE SOTOMAYOR: I -- I don't know  
10 if you're right or wrong, but what you're saying  
11 is --

12 MR. LIU: We would hope so, yeah.

13 JUSTICE SOTOMAYOR: -- this agreement  
14 is going to change the terms of the consent  
15 agreement. After a trial, maybe the -- we will  
16 think --

17 MR. LIU: Maybe they're right, yeah,  
18 after a trial.

19 JUSTICE SOTOMAYOR: Yeah, maybe we'll  
20 conclude you're right.

21 MR. LIU: Right.

22 JUSTICE SOTOMAYOR: But what you're  
23 saying right now is you can't change the terms  
24 of this agreement without us consenting.

25 MR. LIU: Correct. It is just a basic

1 application of the law that's governing consent  
2 decrees.

3 JUSTICE SOTOMAYOR: And so whether  
4 your claims are -- interests are the same as  
5 Justice Gorsuch or not, your claims are the  
6 same.

7 MR. LIU: Our claims are the same.

8 JUSTICE SOTOMAYOR: Which is that this  
9 -- well, in -- to the extent that the consent  
10 agreement required certain things, the parties  
11 have breached them. By consent, the parties  
12 can't forgive that --

13 MR. LIU: Right.

14 JUSTICE SOTOMAYOR: -- without you  
15 saying it's okay.

16 MR. LIU: That -- that's right. When  
17 this Court --

18 JUSTICE SOTOMAYOR: When I say you, I  
19 don't mean you personally. I mean -- I mean the  
20 government and whatever entity. This one was  
21 signed by the Assistant Secretary of the  
22 Interior, and I presume that's who -- I don't  
23 know who you represent actually, but you  
24 understand what I mean.

25 MR. LIU: Well --

1 JUSTICE SOTOMAYOR: It's the  
2 government.

3 MR. LIU: Well, I -- I think the --  
4 the Compact itself was ratified by the states,  
5 approved by Congress, signed by the President.  
6 And under the Compact Clause, any new compact  
7 has to be -- has to go through the same process.  
8 And under this Compact --

9 JUSTICE SOTOMAYOR: Has to come to the  
10 government to say yes.

11 MR. LIU: That's correct. And  
12 under -- and under this particular Compact, it  
13 itself has a provision for amendment which  
14 likewise requires the consent of Congress, and I  
15 --

16 JUSTICE JACKSON: But I guess it's the  
17 consent of Congress, right, not necessarily the  
18 executive branch, correct?

19 MR. LIU: Well, it's the consent of  
20 Congress and -- and the executive. Under the  
21 Compact Clause, the executive would also get to  
22 weigh in.

23 JUSTICE JACKSON: Would you -- I mean,  
24 Justice Gorsuch's point is that you're just, you  
25 know, adjudicating it. You're not the sort of

1 consenting officer --

2 MR. LIU: Yeah.

3 JUSTICE JACKSON: -- for the purpose  
4 of the Compact, is that right or no?

5 MR. LIU: Right, right. What --  
6 what -- what we're asking for in this case --

7 JUSTICE JACKSON: Yeah.

8 MR. LIU: -- is -- is simply a right  
9 to pursue our claims.

10 JUSTICE JACKSON: All right. So let  
11 me ask you about those claims. So what claim  
12 exactly -- you say our claims are the same and  
13 our interests are different.

14 MR. LIU: Correct.

15 JUSTICE JACKSON: So the claim is New  
16 Mexico is doing too much in terms of the  
17 groundwater.

18 MR. LIU: Right.

19 JUSTICE JACKSON: What are the -- what  
20 -- what is the source of the different  
21 interests? It's the contracts, the downstream  
22 contracts, you say, right?

23 MR. LIU: That's right.

24 JUSTICE JACKSON: The treaties?

25 MR. LIU: That's -- that's right as

1 well.

2 JUSTICE JACKSON: That's as well.

3 MR. LIU: Yeah.

4 JUSTICE JACKSON: Is there anything  
5 else? I mean, is there federal law? Is it the  
6 fact that you administer the Reclamation Act?  
7 Is it that the United States is a sovereign?

8 MR. LIU: Well, it's -- it's -- it's  
9 -- it's for the reasons that appear on this  
10 Court's decision on pages 413 to 415, which is  
11 the Compact is inextricably intertwined with the  
12 Project's delivery of water. In fact, it is the  
13 Project's delivery of water that accomplishes  
14 the Compact's apportionment.

15 It is the fact that the United States  
16 is legally responsible for that delivery of  
17 water under the downstream contracts and the  
18 treaty.

19 JUSTICE JACKSON: Which were -- were  
20 those incorporated into the -- we said as a  
21 matter of this decision that they are implicitly  
22 incorporated, right?

23 MR. LIU: That -- that -- that's  
24 correct, and -- and the reason behind that I --  
25 I think is pretty straightforward. The -- the



1 -- the -- the Project predated the Compact. The  
2 Project was already in existence. And one of  
3 the fundamental purposes of the Compact -- and  
4 this is repeated at least three times in Texas's  
5 own complaint -- one of the fundamental purposes  
6 of the Compact was to protect the Project, to  
7 make sure that the Project had a sufficient  
8 supply of water to fulfill the United States'  
9 obligations under the contracts and the treaty.

10           Again, it would have been -- it would  
11 have been strange for Congress and the President  
12 to approve a compact that failed, that failed to  
13 respect the obligations that the United States  
14 already had or that put them at risk.

15           JUSTICE JACKSON: So can I just shift  
16 you really quickly, because one of your  
17 arguments is disposing of the claims. The other  
18 is the impermissible imposition of duties on --  
19 on the United States. And I -- and you  
20 mentioned at one point that, under this consent  
21 decree, the United States would have to do  
22 certain things.

23           MR. LIU: Right.

24           JUSTICE JACKSON: Can you just say  
25 more about what those things are? Because I

1 think part of their argument is that you --  
2 there really is no change in the status of the  
3 United States.

4 MR. LIU: Yeah. All the changes go to  
5 the heart of the Project's operations. I would  
6 first point you to the provisions of the consent  
7 decree. This is at the addendum to the third  
8 report, pages 12 to 17. That would allow the  
9 states to force the United States to transfer  
10 water from one district to another at the  
11 state's direction.

12 JUSTICE JACKSON: That's already  
13 happening to some degree, but you're saying it's  
14 going to be different if the consent decree goes  
15 on?

16 MR. LIU: It's going to be different  
17 in the important sense that we are doing -- we  
18 -- we are allocating water as -- on a consensual  
19 basis between the United States and the two  
20 districts, as we always have since 1906, done so  
21 on a consensual -- that's the meaning of a  
22 contract, on a consensual basis.

23 And what this would do is force the  
24 United States to transfer water at certain times  
25 and places. And that just flips the -- the --

1 the Project and the Compact on their head  
2 because the original design of both was that the  
3 determinants of how the allocation works would  
4 be the United States and the districts. Now  
5 what determines the allocation is what the  
6 states tell us the -- allocation should be.

7 JUSTICE KAGAN: Is there -- and I  
8 think this goes back to Justice Thomas's  
9 original question, but is there another forum in  
10 which you can raise these arguments and get what  
11 -- get the remedy that you're seeking?

12 MR. LIU: There's not. And to start  
13 with, to think about it in -- in terms of  
14 sources of substantive law, as far as seeking  
15 the same relief under the Compact, we don't read  
16 the consent decree and no one else reads the  
17 consent decree as allowing us to bring any  
18 Compact claims that would call into question the  
19 validity of the decree. So we would be stuck  
20 with the decree's view of what is compliance  
21 with the Compact.

22 JUSTICE KAGAN: That that would be  
23 preclusive on the question of what the Compact  
24 requires?

25 MR. LIU: Exactly. I mean, the

1 states' own reply in this Court says the consent  
2 decree will be "part of the constellation of  
3 laws" that the United States will follow. I  
4 think that means that we have to treat the  
5 consent decree as if it were the Compact itself.

6 Now, thinking about other sources of  
7 law, there's state law, there's reclamation law.  
8 I don't think either of those bodies of law is  
9 going to somehow compensate for the loss of our  
10 Compact claims. Those are claims not brought  
11 against New Mexico but against individual water  
12 users. They are claims that hinge on a  
13 definition of Project water.

14 So, for example, under state law, I  
15 suppose we'd be in the position of arguing that  
16 Project water has a certain definition that  
17 includes the water that's being taken away. But  
18 my guess is that if we were to try to litigate  
19 in that -- that in state court, the response  
20 from the other side would be: Well, given that  
21 the Compact doesn't protect that water under the  
22 consent decree, it's not really your water, and  
23 so we wouldn't have any basis for the state law  
24 or the reclamation law claims. Those claims  
25 rest on a -- on a -- on a concept of Project

1 water that would be undermined if we're stuck  
2 with the -- what the consent decree says.

3 CHIEF JUSTICE ROBERTS: Justice  
4 Thomas?

5 JUSTICE THOMAS: Mr. Liu, if we -- if  
6 -- had not gone along with the United States in  
7 your efforts to intervene in this, would you be  
8 able to vindicate those rights that you're  
9 talking about? Because I don't remember that --  
10 the argument you're making now, a sort of  
11 apocalyptic argument, being made in 2018.

12 MR. LIU: No, I don't think those  
13 interests could be vindicated elsewhere for the  
14 reasons I gave Justice Kagan. I don't think the  
15 condition of this -- I don't think what I've  
16 presented here is apocalyptic. It is simply a  
17 reflection of paragraph 14 of the United States'  
18 original complaint in this case, which lays out  
19 the -- the fairly simple chain of causation that  
20 goes from groundwater being taken out of the  
21 ground, leading to less water in Project  
22 storage, leading to less water for the -- the  
23 beneficiaries of the Project.

24 JUSTICE THOMAS: Well -- and my memory  
25 could be somewhat vague on this -- I thought

1 that much of your argument before was that you  
2 were on the same page as, say -- as Texas. And  
3 it seems like there's a divergence of -- of  
4 interests now.

5 MR. LIU: Well, we -- there was always  
6 divergent interests. I mean, the parties  
7 themselves -- we did, New Mexico, Colorado --  
8 pointed out that even though we were pursuing  
9 the same claims, we were doing so for different  
10 interests. In fact, the argument was, if -- if  
11 we're just pursuing the same claims for the same  
12 interests, we should just be left to be amicus  
13 in this case, and whatever Texas decides to do  
14 with its claims we would then be stuck with,  
15 just tagging along as amicus.

16 But I -- I understood the point of the  
17 Court's decision to be -- and this is on page  
18 413 -- that the United States has distinctively  
19 federal interests, not interests that are merely  
20 derivative of Texas's.

21 And I think, in this case, we kind of  
22 have run a natural experiment of what happens  
23 when the United States' interests are cut out of  
24 the picture. The results are not good. The  
25 result is a consent decree that really does

1 nothing to protect the Project, that does not  
2 recognize a duty of non-interference with  
3 respect to the Project, that does not reflect  
4 the baseline level of protection that existed  
5 for the Project in 1938, and that instead of  
6 imposing an injunction on New Mexico to bring  
7 itself into compliance with the -- with the  
8 Compact actually requires and orders the United  
9 States to transfer water to accomplish the --  
10 the decree's ends.

11 JUSTICE THOMAS: You -- you mentioned  
12 the baseline. Which baseline's being used now?

13 MR. LIU: The baseline -- there is no  
14 Compact baseline that the parties have agreed on  
15 now. There is an operating agreement that the  
16 United States uses.

17 JUSTICE THOMAS: That's the one, yes.  
18 So what is that? Is that D-2?

19 MR. LIU: That is a D-2 baseline, but  
20 I want to emphasize what that D-2 baseline  
21 reflects. It reflects the United States and the  
22 two districts getting together and saying to  
23 each other: Given the existing level of  
24 interference in New Mexico, how do we divide up  
25 the rest of the water? And so that agreement

1 simply takes the world as it exists.

2 JUSTICE THOMAS: And how long have you  
3 been doing -- taking the world as it exists?

4 MR. LIU: Well, the operating  
5 agreement itself has been in force since 2003.

6 JUSTICE THOMAS: No, I mean the D-2  
7 baseline.

8 MR. LIU: The D-2 baseline, we --  
9 probably since the 1980s. I think the 1980s is  
10 -- is the right reference point.

11 JUSTICE THOMAS: So about 40 years.  
12 And the -- why -- so, basically, adopting the B  
13 -- D-2 baseline is not a change from what you're  
14 doing now?

15 MR. LIU: Well, it is a change even  
16 according to the states' own briefs and their  
17 own experts, because they're not saying keep in  
18 place your D-2 equation. They're saying -- and  
19 this is at the addendum page 44 -- you need to  
20 adopt a modified D-2 equation.

21 And that equation is going to require  
22 -- if -- if we have to modify the equation, it's  
23 going to change the operations of the Project,  
24 not just numbers on some spreadsheet, but when  
25 we actually raise the gates at Elephant Butte



1 Reservoir to let water through, at Caballo, at  
2 Caballo Dam, how long -- for how long we -- we  
3 let that water through.

4 So, you know, the -- these changes go  
5 -- go to the very heart of the -- of the  
6 downstream contracts that we've had for more  
7 than a century with the two districts.

8 CHIEF JUSTICE ROBERTS: Justice Alito,  
9 anything further?

10 JUSTICE SOTOMAYOR: Just to be -- I'm  
11 clear in my mind, in 2018, Texas was  
12 articulating the same claims as you. You could  
13 not anticipate that they would abandon you --

14 MR. LIU: Right.

15 JUSTICE SOTOMAYOR: -- in the middle  
16 of this litigation. You did anticipate --  
17 that's why you wanted to intervene -- that there  
18 were distinct federal interests that needed to  
19 be protected?

20 MR. LIU: Right.

21 JUSTICE SOTOMAYOR: And those  
22 interests remain the same?

23 MR. LIU: Those interests remain the  
24 same, although --

25 JUSTICE SOTOMAYOR: And your claims

1 were based on those interests, and those haven't  
2 been litigated here, but they're being settled  
3 by the states?

4 MR. LIU: They're being settled by the  
5 states.

6 JUSTICE SOTOMAYOR: All right.

7 CHIEF JUSTICE ROBERTS: Justice Kagan?  
8 Justice Gorsuch?

9 JUSTICE GORSUCH: Mr. Liu, I guess my  
10 concern, you know, at bottom is this, that our  
11 original jurisdiction is to -- for litigation  
12 between states. That's what it's -- that's what  
13 our charge is from Article III.

14 And we have a -- an -- a consent  
15 decree between two states. They agree. The  
16 Special Master's found that that agreement is  
17 consistent with their Compact and doesn't  
18 purport to settle any claims that the federal  
19 government might have. In fact, says those are  
20 just not part of this case, dismissed without  
21 prejudice to be pursued in another forum.

22 To now say that the federal government  
23 has independent litigating authority in cases  
24 that are supposed to be between two states and  
25 that -- not resolve the federal government's

1 interests seems to me a dramatic expansion of  
2 this Court's original jurisdiction not just in  
3 this case but potentially with ramifications  
4 going forward.

5 Thoughts?

6 MR. LIU: Well, I think those concerns  
7 can be cashed out at this Court's initial  
8 gatekeeping stage just -- so, in other words,  
9 those concerns can be cashed out when the Court  
10 takes up the issue of whether the United States  
11 can intervene and pursue the claims.

12 JUSTICE GORSUCH: And that's -- that's  
13 kind of why you've made me regret that, because  
14 the representation then was, we're -- we're  
15 fully aligned with one of the states here and we  
16 can add material value in the understanding of  
17 the case. I get that, I do, sort of still.

18 MR. LIU: Well, I'm just going to --

19 JUSTICE GORSUCH: But --

20 MR. LIU: -- I'm just going to  
21 disagree that that is --

22 JUSTICE GORSUCH: -- but now you're  
23 saying you have independent claims that you want  
24 to pursue --

25 MR. LIU: Right.

1 JUSTICE GORSUCH: -- independent of  
2 any state. And that's not what our original  
3 jurisdiction's about.

4 MR. LIU: Yeah, I -- I -- I think this  
5 -- I think the Court well understood in 2018  
6 that a possible consequence of its decision was  
7 that the states and the United States, their  
8 positions might someday diverge on these things.

9 JUSTICE GORSUCH: You're asking us to  
10 say that two states cannot resolve their --  
11 disagreement in this Court consistent with the  
12 Compact so long as the United States objects.

13 That -- that's the upshot of what  
14 we're being asked to enforce here.

15 MR. LIU: I -- I don't think that's  
16 quite right because the United States is -- is  
17 not standing in the way of the states --

18 JUSTICE GORSUCH: Settling their own  
19 claims.

20 MR. LIU: Well, they -- they -- they  
21 can settle their own claims so long as they do  
22 so consistent with the laws that govern consent  
23 decrees.

24 JUSTICE GORSUCH: With -- with the  
25 federal government's views, right?

1 MR. LIU: No, I think this is just --

2 JUSTICE GORSUCH: They can't settle  
3 their own claims anymore.

4 MR. LIU: I -- I think they could.  
5 And we gave an example in -- in our briefs.  
6 Texas, for example, could agree to dismiss its  
7 claims, and, in return, New Mexico could agree  
8 to either curtail the groundwater pumping or  
9 offset it, and if you look at the -- the  
10 declaration by -- by Hammond in -- in -- in  
11 the -- in the record, it -- it -- it lists a  
12 host of ways that New Mexico could offset the  
13 amount of groundwater pumping.

14 And that sort of agreement, which is  
15 simply an agreement by New Mexico that says  
16 we're going to take care of groundwater pumping,  
17 doesn't dispose of the United States' claims in  
18 this case or impose any obligations on the  
19 United States.

20 JUSTICE GORSUCH: It's just one you  
21 prefer rather than the one the parties prefer?

22 MR. LIU: Well, I -- I think, if -- if  
23 we're thinking about who is imposing on who in  
24 this case, it's not the United States imposing  
25 on the states. It's actually the states

1 imposing on -- on us.

2 JUSTICE GORSUCH: Okay.

3 MR. LIU: And that's because we're  
4 leaving the states free to do what they want.  
5 They're the ones who are bringing us into this  
6 by saying we're not just -- we're not just  
7 withdrawing from the litigation, we're taking  
8 you with us, and on the way out, we're going to  
9 impose a host of obligations on you.

10 JUSTICE GORSUCH: Thank you.

11 CHIEF JUSTICE ROBERTS: Justice  
12 Kavanaugh?

13 Justice Barrett?

14 JUSTICE BARRETT: No.

15 CHIEF JUSTICE ROBERTS: Justice  
16 Jackson?

17 JUSTICE JACKSON: Just picking up  
18 where Justice Gorsuch left off, I guess I had  
19 not understood that all consent decrees are  
20 necessarily proper just because the parties  
21 agree to them.

22 I thought, in our Firefighters case,  
23 there were some limits that you can't have a  
24 consent decree that disposes of intervenors'  
25 claims without their consent.

1                   So am I misreading that or --

2                   MR. LIU: No, I think it's clear as  
3                   day on --

4                   JUSTICE JACKSON: I mean, is that what  
5                   you're relying on in response to the notion that  
6                   just because the states agree, you know, the  
7                   United States shouldn't be allowed to object or  
8                   that we have to necessarily -- approve this  
9                   consent decree?

10                  MR. LIU: Yes, that's -- that's right,  
11                  Justice Jackson.

12                  JUSTICE JACKSON: Thank you.

13                  CHIEF JUSTICE ROBERTS: Thank you,  
14                  counsel.

15                  Ms. Pettit.

16                  ORAL ARGUMENT OF LANORA C. PETTIT

17                                   ON BEHALF OF TEXAS

18                  MS. PETTIT: Thank you, Mr. Chief  
19                  Justice, and may it please the Court:

20                  No one disputes that the Rio Grande  
21                  Compact divides the river's waters 57 percent to  
22                  New Mexico and 43 percent to Texas. But neither  
23                  the Compact nor the downstream contracts  
24                  specify percent of what: the river as it  
25                  existed in 1938 during the so-called D-2 period

1 or something else entirely.

2           This Court has repeatedly admonished  
3 states to figure out such issues amongst  
4 themselves because -- and I'm quoting from a  
5 different Texas against New Mexico -- "they are  
6 more likely to be wisely solved through  
7 cooperative study than in any court however  
8 constituted."

9           We heard you, we listened, and we  
10 complied. None of the three reasons the United  
11 States insists require Texas and New Mexico to  
12 nonetheless continue litigating holds water.  
13 Their objection that the Compact -- that the  
14 consent decree violates the Compact ignores that  
15 this Court has encouraged states to clarify  
16 technical issues such as the baseline condition  
17 and accept that solution so long as it is  
18 reasonable and does not contradict the Compact's  
19 express terms.

20           We know the decree easily meets that  
21 standard because it merely tweaks a methodology  
22 the United States developed in the late 1970s.  
23 Their next objection collapses into the first  
24 because it is the Compact that requires the  
25 United States to deliver and account for Texas's



1 water. The decree merely allows the arrival of  
2 that water to be measured with greater  
3 precision.

4 Finally -- and this is the objection  
5 that has been the focus today -- their claims  
6 objection would transform this entire lawsuit  
7 from one about how much water the Compact  
8 guarantees Texas to what New Mexico will do to  
9 meet that guarantee.

10 Such disputes are not yet ripe, and,  
11 more fundamentally, as Justice Gorsuch noted,  
12 under the Reclamation Act of 1902, they present  
13 complex issues of New Mexico state law that  
14 neither interest Texas nor belong in the first  
15 instance in this Court.

16 I welcome the Court's questions.

17 JUSTICE THOMAS: Do we review consent  
18 decrees in original actions different from  
19 consent decrees in other article -- other cases?

20 MS. PETTIT: I believe that's an open  
21 question, Your Honor, in the original  
22 jurisdiction context. But it does make sense,  
23 because this Court has said very specifically  
24 that its -- its jurisdiction is narrow, that one  
25 would consider, as the Special Master did,

1       whether, for example, the obligations are the  
2       type of obligations that would justify keeping a  
3       case in this Court over the objection of the  
4       original states.

5                   JUSTICE THOMAS:   The Special Master  
6       seemed to have a different view of where the --  
7       U.S. could vindicate its rights.  It indicated  
8       that the U.S. could use another forum to do  
9       that.

10                   Do you have a view on that?

11                   MS. PETTIT:   We agree with the Special  
12       Master that they can and should vindicate their  
13       current claims in New Mexico state or federal  
14       court.

15                   JUSTICE KAGAN:   Well, what do you say  
16       to what Mr. Liu just said?  Mr. Liu said this is  
17       going to be preclusive as to what the Compact  
18       means, what it requires, and there's no other  
19       way, no other body of law that's going to be  
20       able to get around that, so you effectively are  
21       precluding the government's position in this  
22       case.

23                   MS. PETTIT:   It won't be preclusive in  
24       the sense of claim preclusion.  It will resolve  
25       a single question, which is that the baseline

1 against which the Compact is judged, and we do  
2 agree that that would be binding on the United  
3 States.

4           However, I would point this Court to  
5 its 1935 decision in Nebraska against Wyoming,  
6 which, contrary to what my friend in the United  
7 States said, treats the United States as  
8 equivalent to all other appropriators for that  
9 purpose.

10           The Compact agreement is binding on  
11 them as a force of Congress's choice from --  
12 starting from the 19th Century that the federal  
13 law will defer to -- to state law in this unique  
14 circumstance.

15           JUSTICE KAGAN: But there seemed to be  
16 --

17           JUSTICE SOTOMAYOR: I'm sorry, but  
18 there's been no adjudication. There's a consent  
19 decree that fixes an answer and you're saying  
20 the government is bound by that answer.

21           It -- it's different if they were  
22 permitted, as they're asking, to litigate that  
23 question and they lose it. Well, they've lost  
24 it. They're bound to that now.

25           MS. PETTIT: Then --

1 JUSTICE SOTOMAYOR: But you're saying  
2 something different. You're saying the Compact  
3 settles that question. They're stuck with it.

4 MS. PETTIT: Yes, Your Honor.

5 JUSTICE SOTOMAYOR: Isn't that --  
6 you've given your whole case away?

7 MS. PETTIT: No, Your Honor. The  
8 Nebraska case was also settled, and the Court  
9 did not even allow the -- the particular  
10 complaint -- the particular opinion I was citing  
11 was actually an opinion saying that the United  
12 States was not even a necessary party because,  
13 under Congress's choice, that they would be  
14 bound by state law.

15 JUSTICE KAGAN: But -- I think there  
16 are compacts and then again there are compacts.  
17 You know, there are compacts that really do  
18 involve only the states and don't have  
19 distinctively federal interests attached to  
20 them, and this compact -- Compact is not that  
21 and for all the reasons we gave six years ago.

22 "First, the Compact is inextricably  
23 intertwined with the Rio Grande Project and the  
24 Downstream Contracts," which, of course, are  
25 federal in nature.

1           Second, "the United States plays an  
2 integral role in the Compact's operation."

3           "Third, a breach of the Compact could  
4 jeopardize the federal government's ability to  
5 satisfy its treaty obligations."

6           So this is a Compact that really the  
7 federal government is right in the mix of, and  
8 that's why we allow the federal government to  
9 participate.

10           MS. PETTIT: Your Honor, I would agree  
11 that there is a spectrum of compacts, but this  
12 is not on the far end of it. In fact, the  
13 United States is a actual party to the Delaware  
14 Compact because -- or the Delaware River Compact  
15 for precisely that concern.

16           This falls more in the middle. And as  
17 -- in the Michael Sullivan declaration, I  
18 believe, gives examples all over the -- the West  
19 about areas where compacts use reserve --  
20 reclamation projects in the ways contemplated  
21 here. And it -- it would be no different.

22           JUSTICE KAGAN: Well, whether this is  
23 on the extreme end or not, what I'm suggesting  
24 is that federal interests are just inextricably  
25 bound up in the operation and the -- and the --

1 and the rules respecting this Compact.

2           And for you to say you can -- you  
3 know, once -- after we've said there are these  
4 distinctive federal interests and the U.S. gets  
5 to participate as an intervenor, for you to cut  
6 the U.S. out of the picture entirely so that the  
7 U.S. can't ask a court to litigate those, what  
8 -- what -- what it thinks are -- are the right  
9 rules, I mean, I -- I guess I don't see where  
10 that authority comes from.

11           MS. PETTIT: From -- for the right  
12 rules point, my -- I believe my friend actually  
13 -- acknowledged that whether or not they were an  
14 intervenor was irrelevant to that question. It  
15 either complies with the Compact or it does not.

16           And as to their specific claims -- and  
17 I think this really goes to focusing on how  
18 their claims have actually evolved since 2018,  
19 because in -- in 2018, they were asserting a  
20 interference with a treaty and an interference  
21 with Texas's apportionment.

22           Here, they're -- the -- and the  
23 Special Master recognized that there is no  
24 evidence about the -- a potential interference  
25 with the treaty at all, in part because this

1 consent decree takes it right off the top. The  
2 treaty's not -- so, as a result, the treaty is  
3 not implicated.

4           And -- and then they're saying, well,  
5 I'm demanding on behalf of Texas more than Texas  
6 is going to -- is -- is demanding for itself.  
7 That doesn't make a lot of sense. And so what  
8 they've really tried to do here is they've tried  
9 to conflate the Project and the consent -- and  
10 the Compact, and they are two analytically  
11 separate things.

12           What they're asserting here is -- is  
13 an interference with the Project in New Mexico  
14 that is a matter of reclamation law and that is  
15 typically resolved in the lower courts.

16           JUSTICE KAGAN: I -- I mean, you say  
17 they're two separate things, and six years ago,  
18 we said they're inextricably intertwined.

19           MS. PETTIT: In the sense that the --  
20 the Project acted as a -- as a sort of agent, is  
21 I believe the words this Court used, in term --  
22 but not in the sense that every single violation  
23 of the Project or every single potential  
24 interference with the Project rises to the level  
25 of a Compact violation.

1                   For example, if there were a well in  
2 New Mexico that was being operated in a way  
3 inconsistent with the Project, that might be a  
4 violation under the Reclamation Act, but it's  
5 not going to be a violation of the Compact. So  
6 they can't be -- just because one serves as the  
7 agent of the other doesn't mean that they can't  
8 -- that they are not analytically distinct.

9                   CHIEF JUSTICE ROBERTS: This is a  
10 theoretical question about how it works, and  
11 maybe everybody else knows, but my understanding  
12 of how this works is you have -- compacts and  
13 the federal interest is protected because of the  
14 requirement of congressional consent.

15                   But what happens as they go on? I  
16 mean -- and -- and you have a consent decree  
17 under the Compact, but at what point does the  
18 federal government have the authority to step in  
19 as they do when the Compact is originally  
20 enacted?

21                   MS. PETTIT: In that instance, Your  
22 Honor, I think it would -- and I'd point you to  
23 the Texas against New Mexico case that I  
24 originally quoted from 1983, where the Court  
25 drew the line at where it is congressionally



1 ratified powers. And this is to where it is a  
2 reasonable interpretation as opposed to an  
3 amendment to the Compact.

4 And, here, what we have is a  
5 reasonable interpretation as to how the Project  
6 is going to -- how the Compact is going to  
7 function on a day-to-day basis --

8 CHIEF JUSTICE ROBERTS: Well, how does  
9 the --

10 MS. PETTIT: -- because the Compact  
11 doesn't specify it.

12 CHIEF JUSTICE ROBERTS: -- how does --  
13 if -- let's say the -- the Solicitor General  
14 representing the federal government disagrees  
15 with the idea that it's a reasonable  
16 interpretation. Where do they get to have that  
17 question addressed?

18 MS. PETTIT: This Court addressed that  
19 in Vermont against New York, where the Court  
20 said that it does not rubber-stamp consent  
21 decrees. It has the obligation to consider  
22 whether or not the consent -- there's a  
23 modification of the Compact.

24 Here, the Special Master looked at  
25 every single objection that they have raised and

1 determined that it was a reasonable  
2 interpretation, in part because it is the  
3 interpretation that, as my friend noted, both  
4 the United States and the two districts have  
5 agreed upon since the late 1970s.

6 CHIEF JUSTICE ROBERTS: So what  
7 happens -- the federal government says a problem  
8 here is they're not going to be able to meet  
9 their treaty obligations with Mexico. What --  
10 what if that happens? What -- do you have any  
11 obligations at that point, or do you just tell  
12 the United States to, you know, go to war with  
13 Mexico?

14 MS. PETTIT: I certainly wouldn't tell  
15 the United States to go to war with Mexico, Your  
16 Honor. I believe, in -- in those circumstances,  
17 because their claims as they've articulated them  
18 today, and they have been a little fluid, is  
19 that -- is New Mexico is pumping too much water,  
20 what they would do is bring a Reclamation Act  
21 claim in New Mexico.

22 And they are actually a party to  
23 ongoing litigation along those lines in the  
24 stream adjudication that they've been trying to  
25 get out of for decades to -- precisely to

1 determine their seniority and whether or not and  
2 how they were going to protect that claim.

3 CHIEF JUSTICE ROBERTS: So that would  
4 be your answer to the question I was -- I think  
5 was asked earlier about what should the United  
6 States do, and you would say they should sue New  
7 Mexico or, presumably, they'll find you too in  
8 -- you're not going to be in state court but in  
9 federal court, and that would be resolved there?

10 MS. PETTIT: Yes, Your Honor.

11 JUSTICE JACKSON: Can I --

12 MS. PETTIT: And --

13 JUSTICE JACKSON: -- can I ask you, in  
14 -- in such an action, wouldn't New Mexico point  
15 to the consent decree and say we're not doing  
16 the wrong thing because, let's say, we adopt --  
17 or approved the consent decree? Wouldn't the  
18 defense be here's the consent decree and it  
19 tells us how much water we can pump?

20 MS. PETTIT: It depends on what  
21 precisely their allegations are, which is why  
22 the -- these claims are not yet ripe. All the  
23 consent decree does is it specifies how much  
24 water New Mexico is entitled to. And the treaty  
25 obligation is taken out before they ever get to

1 that point.

2 JUSTICE JACKSON: But why isn't that  
3 the same thing? If New Mexico is saying -- you  
4 know, if -- if the federal government's claim in  
5 the Reclamation -- hypothetical Reclamation Act  
6 lawsuit is that New Mexico is taking too much  
7 water --

8 MS. PETTIT: Mm-hmm.

9 JUSTICE JACKSON: -- and New Mexico's  
10 response is no, we're not because the consent  
11 decree tells us how much water we're entitled  
12 to, I guess I don't understand why that isn't --  
13 the consent decree doesn't impact the United  
14 States' claims.

15 MS. PETTIT: And I think that I would  
16 point Your Honor to the explanation that they  
17 gave the Special Master in October and December  
18 of 2022 about what their nature of their claims  
19 are. And it's really a question -- it's not  
20 really a question of New Mexico as a whole  
21 taking too much water. It's particular New  
22 Mexicans, so people who are not Project contract  
23 users who are pumping when they shouldn't be.  
24 That's the type of claim that would be  
25 appropriate. It's a purely --

1 JUSTICE SOTOMAYOR: But it can't be  
2 because we go back to your earlier concession.  
3 What the -- this consent decree says is the 1938  
4 baseline is not how you interpret this contract.

5 Whether the Special Master will  
6 ultimately disagree with their position or not,  
7 if they are not able to litigate that the 1938  
8 baseline is what needs to be measured, then the  
9 pumping would be illegal.

10 MS. PETTIT: Not --

11 JUSTICE SOTOMAYOR: If the baseline  
12 has been changed, then the pumping is going to  
13 be from a different baseline. And so their  
14 reclamation -- claims are being limited. The  
15 extent of how much they can get is being limited  
16 by you.

17 MS. PETTIT: Your Honor, I have two  
18 responses. The first is that the United States  
19 has not actually attempted to litigate a 1938  
20 condition in this case. In fact, the Special  
21 Master -- and this is his words, not mine, on  
22 page 71 of the February 6th, 2023, transcript --  
23 "I don't know how the U.S. is maintaining that  
24 with a straight face," because, as recently as  
25 the summary judgment motion, they disclaimed a

1 1938 baseline.

2           Beyond that, the type of pumping that  
3 they are talking about and the concerns they are  
4 being -- are saying and one of the reasons they  
5 raised that it was unfair was that this -- that  
6 -- that EBID, the district in New Mexico, was  
7 going to bear the brunt for people outside of --  
8 of that area, so people farther upstream. That  
9 is the nature of the -- of the claims they are  
10 trying to litigate now, is --

11           JUSTICE SOTOMAYOR: Well, we'll see.  
12 I -- they'll have to get up and answer that  
13 because I can't, but we'll see.

14           JUSTICE JACKSON: Can I just direct  
15 your attention to the other objection? Because,  
16 on the one hand, they say part of the reason  
17 this is a problem is that you are disposing of  
18 our claims. I also understood them to say you  
19 are imposing obligations.

20           So I guess my question is, to what  
21 extent do you see this -- see the -- the consent  
22 decree as binding on the United States?

23           MS. PETTIT: It's not binding in the  
24 sense of a -- that we can seek contempt for  
25 violating it. It is binding, as we were

1 discussing a few minutes ago, as to the  
2 definition of the baseline.

3 The obligations that they are pointing  
4 to --

5 CHIEF JUSTICE ROBERTS: You could  
6 finish your answer.

7 MS. PETTIT: -- are -- are three  
8 specific concerns. One is the gauge, which is  
9 actually contemplated by the Compact itself in  
10 Article II and Article V, that we can move  
11 gauges.

12 The second is an accounting issue that  
13 it -- that falls within the scope of the  
14 accounting that already happens because what's  
15 accounting that it's talking about here is not  
16 the day-to-day operation of the project; it is  
17 an end-of-the-year assessment about whether the  
18 Compact has been violated. They're two  
19 different things.

20 And the third is a transfer of -- of  
21 allotments between districts over -- at the end  
22 -- the beginning of each year. That would be  
23 enforced against the districts.

24 CHIEF JUSTICE ROBERTS: Thank you.  
25 Thank you, Ms. Pettit.

1           Mr. Liu said it was inexplicable why  
2 you gave up the 1938 baseline. Can you explain  
3 that?

4           MS. PETTIT: Certainly, Your Honor.  
5 The nature of a settlement is that parties  
6 compromise. And the -- the Special Master  
7 determined at the summary judgment stage that  
8 there wasn't a strict 1938 condition as the --  
9 as Texas originally pled it. There was some  
10 additional amount of development that had been  
11 contemplated.

12           And taking -- we accepted that as a  
13 fundamental matter, and going forward, looking  
14 at the evidence and looking at the different  
15 claims, we concluded that this was in Texas's  
16 best interests.

17           CHIEF JUSTICE ROBERTS: Thank you.  
18 Justice Thomas?

19           JUSTICE THOMAS: The -- this may be  
20 along the same line, but the language, it -- the  
21 -- in Justice Gorsuch's opinion in the 2018  
22 case, he says, "after we permitted the U.S. to  
23 intervene, it also filed a complaint with  
24 allegations that parallel Texas's."

25           Where did you -- where -- now it



1 appears that you've diverged. Could you give us  
2 an -- could you explain why that happened and on  
3 what basis did -- did -- did this happen?

4 MS. PETTIT: I --

5 JUSTICE THOMAS: The government seemed  
6 -- the U.S. seems to put quite a bit of emphasis  
7 on that.

8 MS. PETTIT: Two responses. The first  
9 is going back to 2018, ironically, General  
10 Keller, when he was standing at this lectern,  
11 predicted that there would be a divergence about  
12 the baseline, but he got the positions  
13 backwards. He was -- he was asserting that  
14 Texas would be asserting a 1938 condition and  
15 the U.S. would be asserting a D-2. And that's  
16 actually how it's been litigated up until the  
17 exceptions. So that's -- that's changed.

18 The other thing that's changed is,  
19 again, they are trying to bring into this  
20 lawsuit intrastate issues within New Mexico that  
21 Texas actually never agreed to that were  
22 appropriately part of its lawsuit back in 2018.

23 CHIEF JUSTICE ROBERTS: Justice Alito?

24 JUSTICE SOTOMAYOR: Who decided how to  
25 do the accounting before the consent decree?

1 Who set up that process?

2 MS. PETTIT: There are two different  
3 processes. One is run by the Rio Grande Compact  
4 Commission. That is the Compact Compliance.  
5 And the other is the accounting process for the  
6 Project itself. And those run in parallel.  
7 They only really meet at the end -- at basically  
8 an end-of-the-year meeting, where Texas and New  
9 Mexico, as well as Colorado, would be telling  
10 them you need -- there's a credit or a debit  
11 that needs to be put into your accounting system  
12 and --

13 JUSTICE SOTOMAYOR: So that --

14 MS. PETTIT: -- it's functionally the  
15 same thing.

16 JUSTICE SOTOMAYOR: -- but -- but who  
17 set up what would be reported or how?

18 MS. PETTIT: So --

19 JUSTICE SOTOMAYOR: The two projects,  
20 not the states, correct?

21 MS. PETTIT: They are -- it's -- this  
22 is cooperative federalism. They work together  
23 about this. And they work together on an  
24 ongoing basis. So I can't --

25 JUSTICE SOTOMAYOR: The problem -- the

1 problem is that now you're directing the federal  
2 government to do something different. Whether  
3 it's de minimis or not, I can't even figure that  
4 out in reading the materials.

5 But, when we had the opposite  
6 situation of the federal -- one sovereign, the  
7 federal government, telling the states to do  
8 background checks on gun buyers, we said that's  
9 stepping into their sovereign decision-making  
10 and couldn't.

11 I don't know why this is not the same  
12 in reverse, that you're commanding the federal  
13 government to do something that it had not done  
14 previously. So where do you get the power to do  
15 that?

16 You claim the power is because they've  
17 undertaken the duty to do this, but they took a  
18 duty to do this, get -- retaining the right to  
19 make certain decisions. Now you're chasing that  
20 baseline.

21 MS. PETTIT: The Reclamation Act of  
22 1902 stated that the states can put -- the  
23 federal government takes its water rights  
24 subject to both the procedural and substantive  
25 requirements of the states, and that can

1 include, for example, in United States against  
2 California in 1978, some really, really  
3 nit-picky, like 25 different conditions  
4 micromanaging. And that is something that  
5 Congress has allowed for here.

6 Here, it's just a discussion about  
7 slightly different numbers in a larger  
8 accounting process that's already existed.

9 CHIEF JUSTICE ROBERTS: Justice Kagan?  
10 Justice Gorsuch?

11 JUSTICE GORSUCH: Let me just see if  
12 I've got it right.

13 So we have a consent decree that we  
14 have to approve or -- or disapprove. And the  
15 big change is -- is the baseline. That's been a  
16 big subject of dispute, and that's what the  
17 government says it's most worried about.

18 MS. PETTIT: Yes, Your Honor.

19 JUSTICE GORSUCH: But it's the same  
20 baseline that's been used for 40 years.

21 MS. PETTIT: Yes, Your Honor, ever  
22 since the -- the -- the Project went from  
23 delivering at individual farms to delivering at  
24 a district level. It's used the same baseline.

25 JUSTICE GORSUCH: And the other

1 concern that we've heard mentioned is the  
2 treaty, but the Special Master found that  
3 there's no treaty problem here.

4 MS. PETTIT: Yes. The Special Master  
5 found there's not even a serious argument  
6 there's a treaty problem.

7 JUSTICE GORSUCH: It might be  
8 different in terms of approving a consent decree  
9 if there were a treaty problem.

10 MS. PETTIT: Absolutely.

11 JUSTICE GORSUCH: Okay. And then the  
12 other set of issues has to do with  
13 administration, where the -- where the gauge --  
14 water gauge is going to be. And you're getting  
15 a benefit out of this deal because, instead of  
16 the water gauge being at Elephant Butte -- I  
17 don't know how many miles, over a hundred miles  
18 from the border -- you're getting a measure now  
19 at the Texas border.

20 MS. PETTIT: I'd tweak that just a  
21 little. The -- the gauge that is still going --  
22 the gauge that's at Elephant Butte is still at  
23 Elephant Butte.

24 JUSTICE GORSUCH: Yeah, no --

25 MS. PETTIT: We're -- we're getting a

1 separate -- the gauge that we are -- is being in  
2 El Paso is -- had been gauges that had been  
3 canal headings within Texas, but we are  
4 measuring at Texas.

5           What we are getting -- we're  
6 definitely getting a benefit in the sense that  
7 the -- the Project is now considering and  
8 freezing in the 1978 level the -- the pumping  
9 that had been happening.

10           And I do want to point out that that  
11 is requiring New Mexico to reduce pumping to get  
12 down to 1978, and I think they've already spent  
13 something like \$60 million on it.

14           JUSTICE GORSUCH: Okay. Thank you.

15           CHIEF JUSTICE ROBERTS: Justice  
16 Kavanaugh?

17           Justice --

18           JUSTICE JACKSON: So do you dispute  
19 that the downstream contracts are still in  
20 effect and bind the United States with respect  
21 to the allotment and their obligations with --  
22 regarding that?

23           MS. PETTIT: We don't dispute it, but  
24 under Hinderlider, the contractors' rights rise  
25 no higher than the states. And so, if Texas

1 only gives them 43 out of a hundred gallons, the  
2 Texas District can't claim that --

3 JUSTICE JACKSON: I understand, but  
4 the contracts do talk about their transfer  
5 obligations as between EBID and EP1, right?

6 MS. PETTIT: No, Your Honor. The --

7 JUSTICE JACKSON: They don't? Okay.

8 MS. PETTIT: -- the 1938 contracts  
9 that are incorporated into the Compact --

10 JUSTICE JACKSON: Yeah.

11 MS. PETTIT: -- do not discuss a  
12 transfer obligation. That is something that the  
13 United States came up with in 20 -- in 2008  
14 without the Compacting states whose rights are  
15 at issue even being in the room, as my colleague  
16 put it.

17 JUSTICE JACKSON: Final question. If  
18 the United States decides not to transfer water  
19 pursuant to the consent decree, let's say it  
20 goes through, you mentioned earlier that that  
21 would be enforced against the states and not the  
22 United States. In other words, you're not  
23 binding them necessarily legally. Is that -- is  
24 that your position?

25 MS. PETTIT: The districts, yes. That

1 would be enforced --

2 JUSTICE JACKSON: Enforced -- excuse  
3 me -- against the districts. Is that in the  
4 Compact -- or in the consent decree? Is that --  
5 or is that just something you're saying here  
6 now?

7 MS. PETTIT: That -- that's not  
8 specifically in the consent decree. That is,  
9 however -- the way that the transfers work is,  
10 to take a specific example, if a negative  
11 departure transfer were triggered, that would  
12 mean over a period of years, EBID, the New  
13 Mexico District, has received far, far more  
14 water than it was entitled to, and that would be  
15 a transfer -- that would be transferred to Texas  
16 as a -- the Texas District as a way of a remedy.

17 If the EBID were to continue to take  
18 more water than it was entitled to even after  
19 that, that would be enforced through a New  
20 Mexico state administrative process that's part  
21 of the larger constellation of laws that my  
22 friend mentioned and is not specifically in the  
23 consent decree.

24 JUSTICE JACKSON: Thank you.

25 CHIEF JUSTICE ROBERTS: Thank you,



1 counsel.

2 Mr. Wechsler.

3 ORAL ARGUMENT OF JEFFREY J. WECHSLER

4 ON BEHALF OF NEW MEXICO

5 MR. WECHSLER: Mr. Chief Justice, and  
6 may it please the Court:

7 The question of whether the United  
8 States can veto the settlement of the Compacting  
9 states can be resolved by the application of  
10 four principles.

11 First, the distinctively federal  
12 interests of the United States do not include an  
13 interest in the equitable apportionment of Rio  
14 Grande water. That is undisputed. Because the  
15 only issue resolved by the consent decree is the  
16 equitable apportionment, the United States'  
17 interests are not implicated.

18 Second, the Compact establishes the  
19 apportionment. The Rio Grande Project must then  
20 conform its operations to ensure that the  
21 Compact apportionment is delivered.

22 Third, this Court has recognized the  
23 right of states to clarify an ambiguity in an  
24 interstate compact so long as the clarification  
25 is consistent with the Compact. Here, the

1 consent decree measures Texas's share of the  
2 Article IV delivery in a manner that is  
3 expressly contemplated by the Compact.

4 And, fourth, there are other available  
5 fora for the United States to resolve its  
6 remaining claims. The Special Master observed  
7 that "it is difficult to envision a resolution  
8 to this matter that might be superior to the  
9 consent decree."

10 The Court should overrule the United  
11 States' exception and enter the consent decree.  
12 I welcome the Court's questions.

13 JUSTICE THOMAS: Could you -- the --  
14 one of the -- the -- the State of Texas -- the  
15 United States seemed to suggest that Texas and  
16 the -- the states have changed their views from  
17 early -- from 2018, and we've had some  
18 discussion of that. I'd like to hear your  
19 comments on that.

20 MR. WECHSLER: Well, United -- New  
21 Mexico has been consistent about its position in  
22 terms of the D-2 baseline. What I -- what we  
23 understood the 2018 decision to be doing is  
24 essentially saying Texas had a claim to the  
25 apportionment. That is an interstate

1 appportionment as between Texas and New Mexico.  
2 Only those states are in the -- the Compact  
3 itself.

4           And what the United States had brought  
5 was a claim for interference; that is, this  
6 Court said that there were obligations that  
7 arose under the Compact and that it was -- it  
8 had a claim to be free from interference with  
9 those duties and obligations.

10           The consent decree doesn't address  
11 that interference claim. All it does is say --  
12 is define what the equitable appportionment is as  
13 between Texas and New Mexico. And the United  
14 States is free to bring -- as the Special Master  
15 indicated in -- in his -- in his third report,  
16 they're free to bring all of those claims of  
17 interference in other fora. And that would be  
18 consistent with the way this Court has handled  
19 other cases.

20           JUSTICE THOMAS: What is the nature of  
21 the disagreement about the groundwater pumping?

22           MR. WECHSLER: So I would understand  
23 that to be Texas and New Mexico have resolved  
24 the appportionment, the amount of water that each  
25 state is entitled to. What the United States is

1 really arguing about is, how does New Mexico  
2 satisfy its obligations? That is, which  
3 specific water users within New Mexico must shut  
4 down wells, how New Mexico should be  
5 administering water, and those sorts of  
6 intrastate issues that this Court has held are  
7 -- are purely intramural disputes between  
8 competing water users within the state.

9           And in other cases where there are  
10 those sorts of competing uses for -- between  
11 interstate users, the Court has sent the case  
12 back to those -- to the states. So, for  
13 example, in the case of United States versus  
14 Nevada, once the interstate matter was resolved  
15 as between California and Nevada, the case was  
16 -- this Court said, well, the remaining claims  
17 can be resolved within the State of Nevada  
18 because it only has to do with competing  
19 interests of New Mexico -- of Nevada water  
20 users.

21           CHIEF JUSTICE ROBERTS: So you -- you  
22 would send the United States to, presumably, a  
23 federal court in New Mexico to sort out the  
24 concerns they have and would prefer to raise  
25 here?

1                   MR. WECHSLER: That's correct, Your  
2 Honor. For any reclamation claims, those would  
3 be in federal district court in New Mexico. As  
4 to the reclamation -- the definition of Project  
5 rights, that's a New Mexico state adjudication  
6 court matter pursuant to the McCarran Act  
7 amendment and the Reclamation Act that Justice  
8 Gorsuch referred to earlier.

9                   CHIEF JUSTICE ROBERTS: And is it  
10 possible that the New Mexico courts would issue  
11 decisions concerning the allocation of water  
12 that would be contrary to the consent decree?

13                   MR. WECHSLER: No. We think the  
14 consent decree only resolves the issue of the  
15 interstate apportionment. And -- and to Justice  
16 Jackson's question earlier, the remaining  
17 questions about depletions within the State of  
18 New Mexico, how New Mexico water users could be  
19 done, for example, protection of the treaty, all  
20 of those claims would be available to the United  
21 States, as the Special Master indicated, in the  
22 lower fora.

23                   CHIEF JUSTICE ROBERTS: And it  
24 wouldn't be the case --

25                   JUSTICE SOTOMAYOR: But they're

1 bound -- they're bound against arguing that they  
2 -- New Mexico has to use a 1938 baseline,  
3 correct?

4 MR. WECHSLER: No, I don't think  
5 that's right, Justice Sotomayor.

6 JUSTICE SOTOMAYOR: Well, that's what  
7 your co-counsel said.

8 MR. WECHSLER: Well, I -- I -- I don't  
9 think that's -- that's not how I understood my  
10 co-counsel. What -- what is -- what is -- has a  
11 preclusive effect is the apportionment itself.  
12 So the baseline would apply as to the amount of  
13 water that Texas is entitled to receive.

14 What it doesn't preclude the United  
15 States from arguing, which is really their --  
16 their argument here, is how should the project  
17 operate? How can the project be free from  
18 interference from New Mexico water users? And  
19 that really is a question of how does New Mexico  
20 use its share of the apportionment.

21 And that question they could raise --  
22 they could -- they actually could seek to limit  
23 depletions all the way back to their priority  
24 date, which is, I believe, a 1903 priority date.  
25 And so they would have the ability to protect

1 their project from groundwater depletions.

2 So the only thing really here is  
3 being resolved is the equitable apportionment as  
4 between the two states.

5 JUSTICE JACKSON: But why aren't these  
6 all connected? I mean, you -- you seem to be  
7 drawing a line between arguments that the United  
8 States can make related to internal use of the  
9 water by New Mexico but not the apportionment as  
10 between states.

11 And maybe I'm confused, but I thought  
12 the -- this is one water system that works its  
13 way all the way down. And so, to the extent  
14 that New Mexico is taking too much internally to  
15 New Mexico or not allowing it to continue on to  
16 the dam, doesn't that affect ultimately the  
17 Project, et cetera? I mean, how can you  
18 separate these two out in the way that you are?

19 MR. WECHSLER: Well, I think it's just  
20 a matter of understanding what the hierarchy  
21 here is. So, as the Special Master indicated in  
22 cases like Hinderlider, California versus United  
23 States, the Court has established that the  
24 Compact -- the -- the apportionment as between  
25 the two states is established by the Compact

1       itself, not the operation of the Project.

2                   And once that apportionment is set,  
3       now the Project must operate within that  
4       apportionment.  And so the amounts that the  
5       districts are entitled to, for example, the New  
6       Mexico District, that amount, to use the  
7       language from Nebraska versus Wyoming, can rise  
8       no higher than New Mexico's apportionment  
9       itself.

10                   And so, to the extent that the -- the  
11       Project -- or the United States has a claim  
12       concerned about, like, are there New Mexico  
13       water users taking water, that is purely an  
14       interstate matter.  It's a matter of how is the  
15       New Mexico apportionment being used.

16                   And that's a matter that this Court  
17       has held, and the Special Master also is  
18       recommending, that those questions can be  
19       resolved in the lower courts, courts that are  
20       more appropriate or -- or more used to  
21       addressing questions of having to do with New  
22       Mexico water administration, New Mexico water  
23       use, which New Mexico water users should be shut  
24       down, how to reduce depletions.

25                   JUSTICE GORSUCH:  Let's see if I've



1 got it. The gist of this Compact is that  
2 43 percent of what's in Elephant Butte has to go  
3 to Texas using the D-2 baseline. That's the --

4 MR. WECHSLER: That's right.

5 JUSTICE GORSUCH: -- gist of it. Now,  
6 if New Mexico water users are interfering with a  
7 federal reclamation project, that's a different  
8 question.

9 MR. WECHSLER: That's --

10 JUSTICE GORSUCH: And -- and the  
11 Reclamation Act says that gets resolved  
12 according to state law internally, intramurally  
13 in New Mexico?

14 MR. WECHSLER: Yes, that's exactly  
15 right, Justice Gorsuch. And all the consent  
16 decree does is define more precisely what was  
17 determined in the Compact in 1938 that Congress  
18 consented to, and that is the Project must be  
19 operated in a manner that the equitable  
20 apportionment is delivered, that is, the  
21 43 percent that Texas is entitled to actually  
22 arrives at the border in Texas because, of  
23 course, otherwise, they have no ability to enjoy  
24 it.

25 And -- and all the consent decree does

1 is -- is provide a measurement, a way to measure  
2 and enforce Texas's share of that Article IV  
3 delivery, and it does so in a manner that is  
4 expressly contemplated by the Compact in  
5 Articles II and XII.

6 CHIEF JUSTICE ROBERTS: If you have  
7 nothing further? Justice Thomas?

8 Justice Kavanaugh? No?

9 All right.

10 MR. WECHSLER: Thank you, Your Honor.

11 CHIEF JUSTICE ROBERTS: Thank you,  
12 counsel.

13 Rebuttal, Mr. Liu?

14 REBUTTAL ARGUMENT OF FREDERICK LIU

15 ON BEHALF OF THE UNITED STATES

16 MR. LIU: Thank you, Mr. Chief

17 Justice. Just four quick points.

18 First, I think I heard my friend from  
19 Texas acknowledge that the consent decree would  
20 be binding on the United States with respect to  
21 its claims in this case. I think that's just  
22 game over under -- under the Firefighters  
23 decision, which couldn't be clearer that a  
24 consent decree can't bind the -- can't  
25 distinguish -- extinguish the -- the claims of a

1 non-consenting intervenor.

2           Second, on the nature of the -- of the  
3 United States' claims, Justice Jackson, I think  
4 you're exactly right, the -- the -- the -- the  
5 -- my friends' attempt to kind of divide these  
6 claims into an intrastate portion or an  
7 interstate portion just doesn't make any sense  
8 given what this Court has already said about how  
9 this -- how this -- this water system works.  
10 The Project is intertwined with -- with the  
11 Compact.

12           And -- and -- and we have been here  
13 all along protecting the Project's delivery of  
14 water to the districts and Mexico. That  
15 delivery of water is the Compact's  
16 apportionment. So, insofar as we are trying to  
17 enforce the protection of that delivery of  
18 water, we are trying to enforce the Compact's  
19 apportionment as -- as it -- as it is specified.

20           I think the clearest way to -- to  
21 appreciate this point that our claims are -- are  
22 the -- are the parallel to the Compact claims  
23 that have been in this case from the beginning  
24 is to just look at Texas's complaint. On page  
25 16 of its complaint in this case, it asks for an

1 injunction that would command New Mexico to stop  
2 interfering and impeding the authority of the  
3 Rio Grande Project. That's Exhibit A for why  
4 there's no way to -- to -- to untangle the --  
5 the project's delivery of water from the  
6 Compact's apportionment. They're both the same  
7 thing.

8 My friend from New Mexico said, well,  
9 the United States will be free to argue about  
10 whether certain users of New Mexico are properly  
11 divvying up New Mexico's share under the consent  
12 decree. But our entire claim in this case is  
13 about the definition of the share itself. It's  
14 not about how people in New Mexico should divide  
15 up the eventual share. It's about the delivery  
16 of water to the two irrigation districts and  
17 Mexico -- Mexico, and -- and it's not about the  
18 -- the interstate issue.

19 Third, on the -- on the obligations,  
20 my friend from Texas wanted to characterize the  
21 obligations that this consent decree would  
22 impose as minor obligations. As an initial  
23 matter, under Firefighters, that just doesn't  
24 matter. I mean, this is just Contracts 101.  
25 Two people cannot contract together and impose

1 any obligations on a non-consenting third party.

2           There's no exception to that rule in  
3 this Court's original jurisdiction docket. In  
4 fact, I would have thought that its -- in this  
5 scenario, that that -- that rule is most  
6 important because the United States is not  
7 standing here before you as an ordinary  
8 litigant. We are the federal sovereign.

9           And so, in addition to the rule in  
10 Firefighters, there are rules about sovereign  
11 immunity, sovereign immunity, intergovernment  
12 immunity. All these rules protect the federal  
13 government from being what is an essential --  
14 essentially a direct regulation by the states.

15           And the last point I'll make is -- is  
16 about this -- this idea that the states can just  
17 come together and resolve ambiguities in --  
18 ambiguities in the Compact and then impose them  
19 on the United States. This just conflates the  
20 consent decree with the Compact.

21           The -- the -- the whole point of  
22 Firefighters was that states by their mere  
23 consent cannot impose on non-consenting parties  
24 their view of the law. Rather, that view of the  
25 law has to be litigated on the merits by the

1 non-consenting party.

2           And so, for all those reasons, we  
3 would ask this Court to deny the states' motion  
4 to enter the proposed consent decree.

5           CHIEF JUSTICE ROBERTS: Thank you,  
6 counsel. The case is submitted.

7           (Whereupon, at 12:41 p.m., the case  
8 was submitted.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

## Official

<b>\$</b>	<b>A</b>	<b>B</b>	<b>C</b>
<b>\$60</b> <sup>[1]</sup> 61:13	<b>a.m</b> <sup>[2]</sup> 1:15 3:2	<b>agreed</b> <sup>[6]</sup> 6:24 14:24 17:21 30:14 49:5 56:21	<b>beginning</b> <sup>[3]</sup> 5:16 54:22 74:23
<b>1</b>	<b>abandon</b> <sup>[1]</sup> 32:13	<b>agreement</b> <sup>[19]</sup> 12:2 15:16, 18, 19, 22, 23, 23 16:1 19:13, 15, 24 20:10 30:15, 25 31:5 33:16 36:14, 15 42:10	<b>behalf</b> <sup>[12]</sup> 1:19, 22, 24 2:4, 7, 10, 13 3:8 38:17 46:5 64:4 73:15
<b>101</b> <sup>[1]</sup> 75:24	<b>ability</b> <sup>[3]</sup> 44:4 69:25 72:23	<b>agreements</b> <sup>[1]</sup> 19:1	<b>believe</b> <sup>[6]</sup> 23:24 40:20 44:18 45:12 46:21 49:16 69:24
<b>11:31</b> <sup>[2]</sup> 1:15 3:2	<b>able</b> <sup>[4]</sup> 28:8 41:20 49:8 52:7	<b>aligned</b> <sup>[2]</sup> 9:15 34:15	<b>belong</b> <sup>[1]</sup> 40:14
<b>12</b> <sup>[1]</sup> 25:8	<b>above-entitled</b> <sup>[1]</sup> 1:13	<b>ALITO</b> <sup>[8]</sup> 15:9, 25 16:6, 10, 20 17:1 32:8 56:23	<b>below</b> <sup>[1]</sup> 3:23
<b>12:41</b> <sup>[1]</sup> 77:7	<b>abroad</b> <sup>[1]</sup> 16:2	<b>allegations</b> <sup>[2]</sup> 50:21 55:24	<b>beneficiaries</b> <sup>[2]</sup> 4:24 28:23
<b>14</b> <sup>[1]</sup> 28:17	<b>Absolutely</b> <sup>[1]</sup> 60:10	<b>allocating</b> <sup>[1]</sup> 25:18	<b>benefit</b> <sup>[2]</sup> 60:15 61:6
<b>141</b> <sup>[1]</sup> 3:4	<b>accept</b> <sup>[1]</sup> 39:17	<b>allocation</b> <sup>[9]</sup> 4:15 14:6, 15, 16 15:14 26:3, 5, 6 68:11	<b>best</b> <sup>[1]</sup> 55:16
<b>16</b> <sup>[1]</sup> 74:25	<b>accepted</b> <sup>[1]</sup> 55:12	<b>allotment</b> <sup>[1]</sup> 61:21	<b>between</b> <sup>[20]</sup> 7:3 8:2 9:19 12:3 17:13 25:19 33:12, 15, 24 54:21 62:5 66:1, 13 67:7, 10, 15 70:4, 7, 10, 24
<b>17</b> <sup>[1]</sup> 25:8	<b>accomplish</b> <sup>[1]</sup> 30:9	<b>allotments</b> <sup>[1]</sup> 54:21	<b>Beyond</b> <sup>[1]</sup> 53:2
<b>1902</b> <sup>[3]</sup> 17:12 40:12 58:22	<b>accomplished</b> <sup>[1]</sup> 14:16	<b>allow</b> <sup>[4]</sup> 4:21 25:8 43:9 44:8	<b>big</b> <sup>[2]</sup> 59:15, 16
<b>1903</b> <sup>[1]</sup> 69:24	<b>accomplishes</b> <sup>[1]</sup> 23:13	<b>allowed</b> <sup>[2]</sup> 38:7 59:5	<b>bind</b> <sup>[5]</sup> 3:16 10:17, 19 61:20 73:24
<b>1906</b> <sup>[1]</sup> 25:20	<b>according</b> <sup>[2]</sup> 31:16 72:12	<b>allowing</b> <sup>[3]</sup> 4:9 26:17 70:15	<b>binding</b> <sup>[7]</sup> 42:2, 10 53:22, 23, 25 62:23 73:20
<b>1935</b> <sup>[1]</sup> 42:5	<b>account</b> <sup>[1]</sup> 39:25	<b>allows</b> <sup>[1]</sup> 40:1	<b>bit</b> <sup>[2]</sup> 18:21 56:6
<b>1938</b> <sup>[16]</sup> 13:14, 21 14:25 15:13 30:5 38:25 52:3, 7, 19 53:1 55:2, 8 56:14 62:8 69:2 72:17	<b>accounting</b> <sup>[7]</sup> 54:12, 14, 15 56:25 57:5, 11 59:8	<b>alongside</b> <sup>[1]</sup> 13:18	<b>bodies</b> <sup>[1]</sup> 27:8
<b>1970s</b> <sup>[2]</sup> 39:22 49:5	<b>acknowledge</b> <sup>[1]</sup> 73:19	<b>already</b> <sup>[7]</sup> 24:2, 14 25:12 54:14 59:8 61:12 74:8	<b>body</b> <sup>[1]</sup> 41:19
<b>1978</b> <sup>[3]</sup> 59:2 61:8, 12	<b>acknowledged</b> <sup>[1]</sup> 45:13	<b>although</b> <sup>[1]</sup> 32:24	<b>border</b> <sup>[3]</sup> 60:18, 19 72:22
<b>1980s</b> <sup>[2]</sup> 31:9, 9	<b>acknowledges</b> <sup>[1]</sup> 4:5	<b>ambiguities</b> <sup>[2]</sup> 76:17, 18	<b>both</b> <sup>[5]</sup> 14:5 26:2 49:3 58:24 75:6
<b>1983</b> <sup>[1]</sup> 47:24	<b>Act</b> <sup>[13]</sup> 11:6, 22 12:5 17:12 23:6 40:12 47:4 49:20 51:5 58:21 68:6, 7 72:11	<b>ambiguity</b> <sup>[1]</sup> 64:23	<b>bottom</b> <sup>[1]</sup> 33:10
<b>19th</b> <sup>[1]</sup> 42:12	<b>acted</b> <sup>[1]</sup> 46:20	<b>amendment</b> <sup>[3]</sup> 21:13 48:3 68:7	<b>bound</b> <sup>[6]</sup> 42:20, 24 43:14 44:25 69:1, 1
<b>2</b>	<b>action</b> <sup>[3]</sup> 5:23 9:21 50:14	<b>amicus</b> <sup>[3]</sup> 7:12 29:12, 15	<b>branch</b> <sup>[1]</sup> 21:18
<b>20</b> <sup>[2]</sup> 1:11 62:13	<b>actions</b> <sup>[1]</sup> 40:18	<b>amongst</b> <sup>[1]</sup> 39:3	<b>breach</b> <sup>[3]</sup> 13:5, 16 44:3
<b>2003</b> <sup>[1]</sup> 31:5	<b>actual</b> <sup>[1]</sup> 44:13	<b>amount</b> <sup>[5]</sup> 36:13 55:10 66:24 69:12 71:6	<b>breached</b> <sup>[1]</sup> 20:11
<b>2008</b> <sup>[1]</sup> 62:13	<b>actually</b> <sup>[18]</sup> 6:3, 23 11:13 18:10 20:23 30:8 31:25 36:25 43:11 45:12, 18 49:22 52:19 54:9 56:16, 21 69:22 72:21	<b>amounts</b> <sup>[1]</sup> 71:4	<b>break</b> <sup>[1]</sup> 13:4
<b>2013</b> <sup>[1]</sup> 15:1	<b>add</b> <sup>[1]</sup> 34:16	<b>analytically</b> <sup>[2]</sup> 46:10 47:8	<b>briefs</b> <sup>[2]</sup> 31:16 36:5
<b>2018</b> <sup>[19]</sup> 5:17 7:8, 18 8:18 9:10, 23 11:15 13:2, 17 28:11 32:11 35:5 45:18, 19 55:21 56:9, 22 65:17, 23	<b>addendum</b> <sup>[2]</sup> 25:7 31:19	<b>another</b> <sup>[7]</sup> 5:25 6:2, 6 25:10 26:9 33:21 41:8	<b>bring</b> <sup>[6]</sup> 26:17 30:6 49:20 56:19 66:14, 16
<b>2022</b> <sup>[1]</sup> 51:18	<b>addition</b> <sup>[1]</sup> 76:9	<b>answer</b> <sup>[5]</sup> 42:19, 20 50:4 53:12 54:6	<b>bringing</b> <sup>[1]</sup> 37:5
<b>2023</b> <sup>[1]</sup> 52:22	<b>additional</b> <sup>[1]</sup> 55:10	<b>anticipate</b> <sup>[2]</sup> 32:13, 16	<b>brought</b> <sup>[4]</sup> 5:16 6:6 27:10 66:4
<b>2024</b> <sup>[1]</sup> 1:11	<b>address</b> <sup>[3]</sup> 4:19 15:20 66:10	<b>apocalyptic</b> <sup>[2]</sup> 28:11, 16	<b>brunt</b> <sup>[3]</sup> 18:2, 15 53:7
<b>25</b> <sup>[1]</sup> 59:3	<b>addressed</b> <sup>[2]</sup> 48:17, 18	<b>appear</b> <sup>[1]</sup> 23:9	<b>build</b> <sup>[1]</sup> 17:16
<b>27A</b> <sup>[1]</sup> 18:25	<b>addresses</b> <sup>[1]</sup> 15:18	<b>APPEARANCES</b> <sup>[1]</sup> 1:17	<b>Butte</b> <sup>[6]</sup> 3:23 31:25 60:16, 22, 23 72:2
<b>3</b>	<b>addressing</b> <sup>[1]</sup> 71:21	<b>appears</b> <sup>[1]</sup> 56:1	<b>buyers</b> <sup>[1]</sup> 58:8
<b>3</b> <sup>[1]</sup> 2:4	<b>adjudicating</b> <sup>[2]</sup> 9:20 21:25	<b>appendix</b> <sup>[1]</sup> 18:24	<b>C</b>
<b>38</b> <sup>[1]</sup> 2:7	<b>adjudication</b> <sup>[3]</sup> 42:18 49:24 68:5	<b>application</b> <sup>[2]</sup> 20:1 64:9	<b>Caballo</b> <sup>[2]</sup> 32:1, 2
<b>4</b>	<b>add</b> <sup>[1]</sup> 34:16	<b>apply</b> <sup>[1]</sup> 69:12	<b>California</b> <sup>[3]</sup> 59:2 67:15 70:22
<b>40</b> <sup>[4]</sup> 15:12, 15 31:11 59:20	<b>addendum</b> <sup>[2]</sup> 25:7 31:19	<b>apportionment</b> <sup>[25]</sup> 5:4 23:14 45:21 64:13, 16, 19, 21 65:25 66:1, 12, 24 68:15 69:11, 20 70:3, 9, 24 71:2, 4, 8, 15 72:20 74:16, 19 75:6	<b>call</b> <sup>[1]</sup> 26:18
<b>413</b> <sup>[2]</sup> 23:10 29:18	<b>administration</b> <sup>[2]</sup> 60:13 71:22	<b>appreciate</b> <sup>[1]</sup> 74:21	<b>came</b> <sup>[3]</sup> 1:13 13:16 62:13
<b>415</b> <sup>[1]</sup> 23:10	<b>administrative</b> <sup>[1]</sup> 63:20	<b>appropriate</b> <sup>[3]</sup> 6:8 51:25 71:20	<b>canal</b> <sup>[1]</sup> 61:3
<b>43</b> <sup>[4]</sup> 38:22 62:1 72:2, 21	<b>admonished</b> <sup>[1]</sup> 39:2	<b>appropriately</b> <sup>[1]</sup> 56:22	<b>cannot</b> <sup>[4]</sup> 10:19 35:10 75:25 76:23
<b>44</b> <sup>[1]</sup> 31:19	<b>adopt</b> <sup>[2]</sup> 31:20 50:16	<b>appropriators</b> <sup>[1]</sup> 42:8	<b>capitulated</b> <sup>[1]</sup> 14:23
<b>5</b>	<b>adopting</b> <sup>[1]</sup> 31:12	<b>approve</b> <sup>[3]</sup> 24:12 38:8 59:14	<b>care</b> <sup>[1]</sup> 36:16
<b>57</b> <sup>[1]</sup> 38:21	<b>affect</b> <sup>[1]</sup> 70:16	<b>approved</b> <sup>[3]</sup> 13:2 21:5 50:17	<b>Case</b> <sup>[42]</sup> 3:4, 12 4:3 5:16 7:13, 23 8:15 9:1 10:1, 20 11:11 12:10 14:23 15:6 18:22 22:6 28:18 29:13, 21 33:20
<b>6</b>	<b>agent</b> <sup>[2]</sup> 46:20 47:7		
<b>64</b> <sup>[1]</sup> 2:10	<b>ago</b> <sup>[5]</sup> 4:11 7:11 43:21 46:17 54:1		
<b>6th</b> <sup>[1]</sup> 52:22	<b>agree</b> <sup>[11]</sup> 6:23 10:11 11:21 33:15 36:6, 7 37:21 38:6 41:11 42:2 44:10		
<b>7</b>			
<b>71</b> <sup>[1]</sup> 52:22			
<b>73</b> <sup>[1]</sup> 2:13			
<b>8</b>			
<b>8</b> <sup>[1]</sup> 12:5			

## Official

<p>34:3,17 36:18,24 37:22 41:3,22 43:6,8 47:23 52:20 55:22 67:11,13,15 68:24 73:21 74:23,25 75:12 77:6,7</p> <p><b>cases</b> [5] 33:23 40:19 66:19 67:9 70:22</p> <p><b>caused</b> [2] 34:7,9</p> <p><b>causation</b> [1] 28:19</p> <p><b>century</b> [2] 32:7 42:12</p> <p><b>certain</b> [6] 20:10 24:22 25:24 27:16 58:19 75:10</p> <p><b>certainly</b> [2] 49:14 55:4</p> <p><b>cetera</b> [1] 70:17</p> <p><b>chain</b> [1] 28:19</p> <p><b>change</b> [8] 8:18 19:14,23 25:2 31:13,15,23 59:15</p> <p><b>changed</b> [7] 8:18,22 19:6 52:12 56:17,18 65:16</p> <p><b>changes</b> [2] 25:4 32:4</p> <p><b>characterize</b> [1] 75:20</p> <p><b>charge</b> [1] 33:13</p> <p><b>charges</b> [1] 18:12</p> <p><b>chasing</b> [1] 58:19</p> <p><b>checks</b> [1] 58:8</p> <p><b>CHIEF</b> [29] 3:3,9 28:3 32:8 33:7 37:11,15 38:13,18 47:9 48:8,12 49:6 50:3 54:5,24 55:17 56:23 59:9 61:15 63:25 64:5 67:21 68:9,23 73:6,11,16 77:5</p> <p><b>choice</b> [2] 42:11 43:13</p> <p><b>choose</b> [1] 18:6</p> <p><b>circumstance</b> [1] 42:14</p> <p><b>circumstances</b> [1] 49:16</p> <p><b>citing</b> [1] 43:10</p> <p><b>citizens</b> [1] 16:18</p> <p><b>claim</b> [27] 5:9,14,15,17,18,19,22,24 6:1,4 13:3,4 22:11,15 41:24 49:21 50:2 51:4,24 58:16 62:2 65:24 66:5,8,11 71:11 75:12</p> <p><b>claims</b> [6] 3:14 4:8,13 6:19 7:3,6 8:4,19,19,21 10:25 20:4,5,7 22:9,11,12 24:17 26:18 27:10,10,12,24,24 29:9,11,14 32:12,25 33:18 34:11,23 35:19,21 36:3,7,17 37:25 40:5 41:13 45:16,18 49:17 50:22 51:14,18 52:14 53:9,18 55:15 65:6 66:16 67:16 68:2,20 73:21,25 74:3,6,21,22</p> <p><b>clarification</b> [1] 64:24</p> <p><b>clarify</b> [2] 39:15 64:23</p> <p><b>Clause</b> [2] 21:6,21</p> <p><b>clear</b> [4] 6:19 11:23 32:11 38:2</p> <p><b>clearer</b> [1] 73:23</p> <p><b>clearest</b> [1] 74:20</p> <p><b>co-counsel</b> [2] 69:7,10</p> <p><b>collapses</b> [1] 39:23</p> <p><b>colleague</b> [1] 62:15</p> <p><b>COLORADO</b> [5] 1:6 3:5 10:</p>	<p>4 29:7 57:9</p> <p><b>come</b> [3] 8:13 21:9 76:17</p> <p><b>comes</b> [1] 45:10</p> <p><b>command</b> [1] 75:1</p> <p><b>commanding</b> [1] 58:12</p> <p><b>comments</b> [1] 65:19</p> <p><b>commerce</b> [1] 6:5</p> <p><b>Commission</b> [1] 57:4</p> <p><b>Compact</b> [95] 3:18,18,22,23 4:6,12 5:21 8:1,4 9:11,14,18,19 10:12,16 11:1,1,7,16 12:12 15:21 19:5 21:4,6,6,8,12,21 22:4 23:11 24:1,3,6,12 26:1,15,18,21,23 27:5,10,21 30:8,14 33:17 35:12 38:21,23 39:13,14,24 40:7 41:17 42:1,10 43:2,20,22 44:3,6,14,14 45:1,15 46:10,25 47:5,17,19 48:3,6,10,23 54:9,18 57:3,4 62:9 63:4 64:18,21,24,25 65:3 66:2,7 70:24,25 72:1,17 73:4 74:11,22 76:18,20</p> <p><b>Compact's</b> [8] 4:4 5:3 23:14 39:18 44:2 74:15,18 75:6</p> <p><b>Compacting</b> [2] 62:14 64:8</p> <p><b>compacts</b> [7] 18:25 43:16,16,17 44:11,19 47:12</p> <p><b>compensate</b> [1] 27:9</p> <p><b>competing</b> [3] 67:8,10,18</p> <p><b>complaint</b> [8] 14:24 15:1 24:5 28:18 43:10 55:23 74:24,25</p> <p><b>complaints</b> [1] 8:15</p> <p><b>completely</b> [1] 9:14</p> <p><b>complex</b> [1] 40:13</p> <p><b>compliance</b> [3] 26:20 30:7 57:4</p> <p><b>complied</b> [1] 39:10</p> <p><b>complies</b> [1] 45:15</p> <p><b>complying</b> [1] 15:20</p> <p><b>compromise</b> [1] 55:6</p> <p><b>concept</b> [1] 27:25</p> <p><b>concern</b> [3] 33:10 44:15 60:1</p> <p><b>concerned</b> [3] 14:7,14 71:12</p> <p><b>concerning</b> [1] 68:11</p> <p><b>concerns</b> [6] 14:5 34:6,9 53:3 54:8 67:24</p> <p><b>concession</b> [1] 52:2</p> <p><b>conclude</b> [1] 19:20</p> <p><b>concluded</b> [1] 55:15</p> <p><b>concrete</b> [1] 16:1</p> <p><b>condition</b> [5] 28:15 39:16 52:20 55:8 56:14</p> <p><b>conditions</b> [1] 59:3</p> <p><b>conflate</b> [1] 46:9</p> <p><b>conflates</b> [1] 76:19</p> <p><b>conform</b> [1] 64:20</p> <p><b>confused</b> [2] 18:21 70:11</p> <p><b>Congress</b> [7] 21:5,14,17,</p>	<p>20 24:11 59:5 72:17</p> <p><b>Congress's</b> [2] 42:11 43:13</p> <p><b>congressional</b> [2] 11:23 47:14</p> <p><b>congressionally</b> [1] 47:25</p> <p><b>connected</b> [1] 70:6</p> <p><b>consensual</b> [3] 25:18,21,22</p> <p><b>consent</b> [8] 3:11,11,12,14,16 5:5 10:13,19 11:12,19 12:1,2,6 13:9 14:19 17:24 18:1 19:14 20:1,9,11 21:14,17,19 24:20 25:6,14 26:16,17 27:1,5,22 28:2 29:25 33:14 35:22 37:19,24,25 38:9 39:14 40:17,19 42:18 46:1,9 47:14,16 48:20,22 50:15,17,18,23 51:10,13 52:3 53:21 56:25 59:13 60:8 62:19 63:4,8,23 64:15 65:1,9,11 66:10 68:12,14 72:15,25 73:19,24 75:11,21 76:20,23 77:4</p> <p><b>consented</b> [2] 19:2 72:18</p> <p><b>consenting</b> [2] 19:24 22:1</p> <p><b>consequence</b> [1] 35:6</p> <p><b>consider</b> [2] 40:25 48:21</p> <p><b>considering</b> [1] 61:7</p> <p><b>consistent</b> [7] 6:16 33:17 35:11,22 64:25 65:21 66:18</p> <p><b>constellation</b> [2] 27:2 63:21</p> <p><b>constituted</b> [1] 39:8</p> <p><b>construction</b> [2] 17:21 18:12</p> <p><b>consummated</b> [1] 15:24</p> <p><b>contact</b> [1] 43:20</p> <p><b>contemplated</b> [5] 44:20 54:9 55:11 65:3 73:4</p> <p><b>contempt</b> [1] 53:24</p> <p><b>context</b> [1] 40:22</p> <p><b>continue</b> [5] 4:22 9:2 39:12 63:17 70:15</p> <p><b>continued</b> [1] 18:2</p> <p><b>continues</b> [1] 18:13</p> <p><b>contract</b> [5] 18:11 25:22 51:22 52:4 75:25</p> <p><b>contractors'</b> [1] 61:24</p> <p><b>contracts</b> [15] 11:10,14,18 14:17 22:21,22 23:17 24:9 32:6 38:23 43:24 61:19 62:4,8 75:24</p> <p><b>contradict</b> [1] 39:18</p> <p><b>contrary</b> [5] 3:18 11:13,24 42:6 68:12</p> <p><b>controversy</b> [1] 8:2</p> <p><b>cooperative</b> [2] 39:7 57:22</p> <p><b>copy</b> [1] 18:24</p> <p><b>Correct</b> [14] 6:13 11:9,25 12:13 19:2,7,25 21:11,18 22:14 23:24 57:20 68:1 69:</p>	<p>3</p> <p><b>costs</b> [2] 17:22,22</p> <p><b>couldn't</b> [2] 58:10 73:23</p> <p><b>Counsel</b> [6] 7:14,16 38:14 64:1 73:12 77:6</p> <p><b>course</b> [3] 5:11 43:24 72:23</p> <p><b>COURT</b> [56] 1:1,14 3:10 4:11 5:17 6:8,9 9:2,24 10:3,5,24,25 11:15 13:2,7 16:4,16 20:17 27:1,19 34:9 35:5,11 38:19 39:2,7,15 40:15,23 41:3,14 42:4 43:8 45:7 46:21 47:24 48:18,19 50:8,9 64:6,22 65:10 66:6,18 67:6,11,16,23 68:3,6 70:23 71:16 74:8 77:3</p> <p><b>Court's</b> [11] 5:7 6:3 8:24 13:17 23:10 29:17 34:2,7 40:16 65:12 76:3</p> <p><b>courts</b> [4] 46:15 68:10 71:19,19</p> <p><b>credit</b> [1] 57:10</p> <p><b>current</b> [1] 41:13</p> <p><b>currently</b> [1] 14:16</p> <p><b>curtail</b> [1] 36:8</p> <p><b>cut</b> [2] 29:23 45:5</p>	<p>75:12,21 76:20 77:4</p> <p><b>decree's</b> [2] 26:20 30:10</p> <p><b>decrees</b> [6] 20:2 35:23 37:19 40:18,19 48:21</p> <p><b>Defendants</b> [1] 1:7</p> <p><b>defense</b> [1] 50:18</p> <p><b>defer</b> [1] 42:13</p> <p><b>define</b> [2] 66:12 72:16</p> <p><b>definitely</b> [1] 61:6</p> <p><b>definition</b> [5] 27:13,16 54:2 68:4 75:13</p> <p><b>defray</b> [1] 17:22</p> <p><b>degree</b> [1] 25:13</p> <p><b>Delaware</b> [2] 44:13,14</p> <p><b>deliver</b> [2] 17:18 39:25</p> <p><b>delivered</b> [2] 64:21 72:20</p> <p><b>deliveries</b> [1] 10:11</p> <p><b>delivering</b> [2] 59:23,23</p> <p><b>delivery</b> [13] 3:25 4:7 5:20 23:12,13,16 65:2 73:3 74:13,15,17 75:5,15</p> <p><b>demanding</b> [2] 46:5,6</p> <p><b>demands</b> [1] 14:12</p> <p><b>denied</b> [1] 10:9</p> <p><b>deny</b> [1] 77:3</p> <p><b>Department</b> [1] 1:19</p> <p><b>departure</b> [1] 63:11</p> <p><b>depends</b> [1] 50:20</p> <p><b>depletions</b> [4] 68:17 69:23 70:1 71:24</p> <p><b>Deputy</b> [1] 1:21</p> <p><b>derivative</b> [1] 29:20</p> <p><b>design</b> [1] 26:2</p> <p><b>determinants</b> [1] 26:3</p> <p><b>determine</b> [1] 50:1</p> <p><b>determined</b> [3] 49:1 55:7 72:17</p> <p><b>determines</b> [1] 26:5</p> <p><b>devastating</b> [1] 14:9</p> <p><b>developed</b> [1] 39:22</p> <p><b>development</b> [1] 55:10</p> <p><b>difference</b> [1] 8:22</p> <p><b>different</b> [24] 7:7 10:2,6 12:21 22:13,20 25:14,16 29:9 39:5 40:18 41:6 42:21 43:2 44:21 52:13 54:19 55:14 57:2 58:2 59:3,7 60:8 72:7</p> <p><b>difficult</b> [1] 65:7</p> <p><b>direct</b> [2] 53:14 76:14</p> <p><b>directing</b> [1] 58:1</p> <p><b>direction</b> [1] 25:11</p> <p><b>directive</b> [1] 11:24</p> <p><b>disagree</b> [3] 8:9 34:21 52:6</p> <p><b>disagreement</b> [2] 35:11 66:21</p> <p><b>disagrees</b> [1] 48:14</p> <p><b>disapprove</b> [1] 59:14</p> <p><b>disclaimed</b> [1] 52:25</p> <p><b>discuss</b> [1] 62:11</p> <p><b>discussing</b> [1] 54:1</p> <p><b>discussion</b> [2] 59:6 65:18</p> <p><b>dismiss</b> [1] 36:6</p> <p><b>dismissed</b> [1] 33:20</p>
--	--	---	---	---

## D

**D-2** [13] 17:5 30:18,19,20 31:6,8,13,18,20 38:25 56:15 65:22 72:3

**D.C** [2] 1:10,19

**Dam** [2] 32:2 70:16

**dams** [1] 17:17

**date** [2] 69:24,24

**day** [2] 9:19 38:3

**day-to-day** [2] 48:7 54:16

**de** [1] 58:3

**deal** [1] 60:15

**debit** [1] 57:10

**decades** [2] 15:13 49:25

**December** [1] 51:17

**decided** [2] 12:24 56:24

**decides** [2] 29:13 62:18

**decision** [12] 7:8,18 8:18 9:4 13:18 23:10,21 29:17 35:6 42:5 65:23 73:23

**decision-making** [1] 58:9

**decisions** [2] 58:19 68:11

**declaration** [2] 36:10 44:

17

**decree** [7] 3:11,12,14,16,

20 4:19,21 5:2,6 10:13,19

11:12,19 12:1,2,6 13:9 14:

7,14 26:16,17,19 27:2,5,22

28:2 29:25 33:15 37:24 38:

9 39:14,20 40:1 42:19 46:

1 47:16 50:15,17,18,23 51:

11,13 52:3 53:22 56:25 59:

13 60:8 62:19 63:4,8,23

64:15 65:1,9,11 66:10 68:

12,14 72:16,25 73:19,24



## Official

<p><b>dispose</b> [2] 3:13 36:17  <b>disposes</b> [1] 37:24  <b>disposing</b> [2] 24:17 53:17  <b>dispute</b> [3] 59:16 61:18,23  <b>disputes</b> [4] 6:7 38:20 40:10 67:7  <b>distinct</b> [2] 32:18 47:8  <b>distinctive</b> [1] 45:4  <b>distinctively</b> [6] 4:14,16 5:18 29:18 43:19 64:11  <b>distinguish</b> [2] 7:2 73:25  <b>district</b> [12] 10:25 18:1,8,10 25:10 53:6 59:24 62:2 63:13,16 68:3 71:6  <b>districts</b> [24] 4:1,25 11:10 12:11 13:25 14:13 16:5,23 17:10,14,19,21 25:20 26:4 30:22 32:7 49:4 54:21,23 62:25 63:3 71:5 74:14 75:16  <b>diverge</b> [3] 10:1 14:3 35:8  <b>diverged</b> [2] 12:21 56:1  <b>divergence</b> [2] 29:3 56:11  <b>divergent</b> [1] 29:6  <b>divide</b> [3] 30:24 74:5 75:14  <b>divides</b> [1] 38:21  <b>division</b> [2] 14:20,20  <b>divvying</b> [1] 75:11  <b>docket</b> [2] 3:5 76:3  <b>doing</b> [7] 22:16 25:17 29:9 31:3,14 50:15 65:23  <b>dollars</b> [2] 18:12,14  <b>done</b> [3] 25:20 58:13 68:19  <b>down</b> [6] 13:4 14:11 61:12 67:4 70:13 71:24  <b>downstream</b> [9] 11:14,17 14:17 22:21 23:17 32:6 38:23 43:24 61:19  <b>dramatic</b> [1] 34:1  <b>drawing</b> [1] 70:7  <b>drew</b> [1] 47:25  <b>during</b> [1] 38:25  <b>duties</b> [2] 24:18 66:9  <b>duty</b> [9] 4:6,9 13:5,6,7,10 30:2 58:17,18</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p><b>each</b> [5] 3:19 18:14 30:23 54:22 66:24  <b>earlier</b> [5] 50:5 52:2 62:20 68:8,16  <b>early</b> [1] 65:17  <b>easiest</b> [1] 13:3  <b>easily</b> [1] 39:20  <b>EBID</b> [4] 53:6 62:5 63:12,17  <b>effect</b> [3] 14:9 61:20 69:11  <b>effectively</b> [1] 41:20  <b>efforts</b> [1] 28:7  <b>either</b> [3] 27:8 36:8 45:15  <b>EI</b> [1] 61:2  <b>element</b> [1] 13:16  <b>elements</b> [1] 13:4  <b>Elephant</b> [6] 3:23 31:25 60:</p>	<p>16,22,23 72:2  <b>elsewhere</b> [1] 28:13  <b>embodied</b> [1] 12:4  <b>emphasis</b> [1] 56:6  <b>emphasize</b> [2] 3:21 30:20  <b>emphasized</b> [1] 8:3  <b>enacted</b> [1] 47:20  <b>encouraged</b> [1] 39:15  <b>end</b> [7] 9:19 17:15,20 44:12,23 54:21 57:7  <b>end-of-the-year</b> [2] 54:17 57:8  <b>ends</b> [1] 30:10  <b>enforce</b> [6] 4:3 9:11 35:14 73:2 74:17,18  <b>enforced</b> [5] 54:23 62:21 63:1,2,19  <b>enjoy</b> [1] 72:23  <b>enough</b> [1] 14:11  <b>ensure</b> [1] 64:20  <b>enter</b> [2] 65:11 77:4  <b>entered</b> [1] 14:18  <b>entire</b> [2] 40:6 75:12  <b>entirely</b> [2] 39:1 45:6  <b>entities</b> [3] 12:21 16:2,4  <b>entitled</b> [9] 18:16 50:24 51:11 63:14,18 66:25 69:13 71:5 72:21  <b>entity</b> [1] 20:20  <b>envision</b> [1] 65:7  <b>EP1</b> [1] 62:5  <b>equation</b> [4] 31:18,20,21,22  <b>equitable</b> [5] 64:13,16 66:12 70:3 72:19  <b>equivalent</b> [1] 42:8  <b>ESQ</b> [4] 2:3,6,9,12  <b>ESQUIRE</b> [1] 1:23  <b>essential</b> [1] 76:13  <b>essentially</b> [2] 65:24 76:14  <b>established</b> [2] 70:23,25  <b>establishes</b> [1] 64:18  <b>et</b> [1] 70:17  <b>even</b> [12] 10:15,18 15:21,22 29:8 31:15 43:9,12 58:3 60:5 62:15 63:18  <b>eventual</b> [1] 75:15  <b>everybody</b> [1] 47:11  <b>everyone</b> [1] 14:24  <b>evidence</b> [2] 45:24 55:14  <b>evolved</b> [1] 45:18  <b>exactly</b> [5] 6:19 22:12 26:25 72:14 74:4  <b>example</b> [10] 27:14 36:5,6 41:1 47:1 59:1 63:10 67:13 68:19 71:5  <b>examples</b> [1] 44:18  <b>exception</b> [3] 18:25 65:11 76:2  <b>exceptions</b> [1] 56:17  <b>excuse</b> [1] 63:2  <b>executive</b> [3] 21:18,20,21  <b>exercise</b> [1] 6:9  <b>Exhibit</b> [1] 75:3</p>	<p><b>existed</b> [3] 30:4 38:25 59:8  <b>existence</b> [1] 24:2  <b>existing</b> [2] 8:2 30:23  <b>exists</b> [2] 31:1,3  <b>expand</b> [1] 8:1  <b>expansion</b> [1] 34:1  <b>experiment</b> [1] 29:22  <b>experts</b> [1] 31:17  <b>explain</b> [2] 55:2 56:2  <b>explanation</b> [1] 51:16  <b>express</b> [1] 39:19  <b>expressly</b> [2] 65:3 73:4  <b>extends</b> [1] 16:17  <b>extent</b> [6] 19:4 20:9 52:15 53:21 70:13 71:10  <b>extinguish</b> [1] 73:25  <b>extreme</b> [1] 44:23</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p><b>face</b> [1] 52:24  <b>fact</b> [8] 23:6,12,15 29:10 33:19 44:12 52:20 76:4  <b>facts</b> [1] 12:9  <b>fail</b> [1] 5:2  <b>failed</b> [2] 24:12,12  <b>fails</b> [1] 4:19  <b>fairly</b> [2] 16:23 28:19  <b>falls</b> [2] 44:16 54:13  <b>far</b> [4] 26:14 44:12 63:13,13  <b>farms</b> [1] 59:23  <b>farther</b> [1] 53:8  <b>Fe</b> [1] 1:23  <b>fearful</b> [1] 13:25  <b>February</b> [1] 52:22  <b>federal</b> [4] 4:14,16 5:19 10:24,24 12:4 15:11 16:15 23:5 29:19 32:18 33:18,22,25 35:25 41:13 42:12 43:19,25 44:4,7,8,24 45:4 47:13,18 48:14 49:7 50:9 51:4 58:1,6,7,12,23 64:11 67:23 68:3 72:7 76:8,12  <b>federalism</b> [1] 57:22  <b>few</b> [1] 54:1  <b>figure</b> [2] 39:3 58:3  <b>filed</b> [2] 14:25 55:23  <b>Final</b> [1] 62:17  <b>Finally</b> [1] 40:4  <b>find</b> [1] 50:7  <b>finish</b> [1] 54:6  <b>Firefighters</b> [5] 37:22 73:22 75:23 76:10,22  <b>first</b> [9] 4:20 25:6 39:23 40:14 43:22 52:18 56:8 64:11 73:18  <b>fit</b> [1] 6:3  <b>fixes</b> [1] 42:19  <b>flips</b> [1] 25:25  <b>fluid</b> [1] 49:18  <b>focus</b> [1] 40:5  <b>focusing</b> [1] 45:17  <b>follow</b> [3] 7:17 11:22 27:3  <b>fora</b> [3] 65:5 66:17 68:22  <b>force</b> [6] 7:25 18:6 25:9,23</p>	<p>31:5 42:11  <b>forcing</b> [1] 13:12  <b>forgive</b> [1] 20:12  <b>formal</b> [1] 10:20  <b>forum</b> [5] 5:25 6:2 26:9 33:21 41:8  <b>forward</b> [2] 34:4 55:13  <b>found</b> [3] 33:16 60:2,5  <b>four</b> [2] 64:10 73:17  <b>fourth</b> [1] 65:4  <b>Frankly</b> [1] 15:3  <b>FREDERICK</b> [5] 1:18 2:3,12 3:7 73:14  <b>free</b> [6] 37:4 66:8,14,16 69:17 75:9  <b>freezing</b> [1] 61:8  <b>friend</b> [7] 42:6 45:12 49:3 63:22 73:18 75:8,20  <b>friends'</b> [1] 74:5  <b>fulfill</b> [1] 24:8  <b>fully</b> [1] 34:15  <b>function</b> [1] 48:7  <b>functionally</b> [1] 57:14  <b>fundamental</b> [3] 24:3,5 55:13  <b>fundamentally</b> [1] 40:11  <b>further</b> [2] 32:9 73:7</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p><b>gallons</b> [1] 62:1  <b>game</b> [1] 73:22  <b>gatekeeping</b> [1] 34:8  <b>gates</b> [1] 31:25  <b>gauge</b> [7] 54:8 60:13,14,16,21,22 61:1  <b>gauges</b> [2] 54:11 61:2  <b>gave</b> [5] 28:14 36:5 43:21 51:17 55:2  <b>General</b> [4] 1:18,21 48:13 56:9  <b>gets</b> [2] 45:4 72:11  <b>getting</b> [6] 30:22 60:14,18,25 61:5,6  <b>ghost</b> [1] 12:15  <b>gist</b> [2] 72:1,5  <b>give</b> [3] 5:5 18:18 56:1  <b>given</b> [6] 12:15 15:2 27:20 30:23 43:6 74:8  <b>gives</b> [3] 13:11 44:18 62:1  <b>GORSUCH</b> [47] 7:14,16,20 8:9,11,25 9:3,6,9,13 10:8,16,22 11:4,5,21 15:7,10 20:5 33:8,9 34:12,19,22 35:1,9,18,24 36:2,20 37:2,10,18 40:11 59:10,11,19,25 60:7,11,24 61:14 68:8 71:25 72:5,10,15  <b>Gorsuch's</b> [3] 18:23 21:24 55:21  <b>got</b> [4] 9:3 56:12 59:12 72:1  <b>govern</b> [1] 35:22  <b>governing</b> [1] 20:1  <b>government</b> [21] 14:17 15:</p>	<p>11 16:15 20:20 21:2,10 33:19,22 42:20 44:7,8 47:18 48:14 49:7 56:5 58:2,7,13,23 59:17 76:13  <b>government's</b> [6] 15:5 33:25 35:25 41:21 44:4 51:4  <b>Grande</b> [8] 3:18,25 38:20 43:23 57:3 64:14,19 75:3  <b>greater</b> [1] 40:2  <b>ground</b> [1] 28:21  <b>groundwater</b> [13] 4:10,19 14:7 17:4 18:5,15 22:17 28:20 36:8,13,16 66:21 70:1  <b>guarantee</b> [1] 40:9  <b>guarantees</b> [1] 40:8  <b>guess</b> [7] 21:16 27:18 33:9 37:18 45:9 51:12 53:20  <b>gun</b> [1] 58:8</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p><b>Hammond</b> [1] 36:10  <b>hand</b> [1] 53:16  <b>handled</b> [1] 66:18  <b>happen</b> [2] 13:23 56:3  <b>happened</b> [2] 12:18 56:2  <b>happening</b> [2] 25:13 61:9  <b>happens</b> [8] 17:25 18:4,9 29:22 47:15 49:7,10 54:14  <b>head</b> [1] 26:1  <b>headings</b> [1] 61:3  <b>hear</b> [2] 3:3 65:18  <b>heard</b> [4] 7:22 39:9 60:1 73:18  <b>heart</b> [2] 25:5 32:5  <b>held</b> [4] 5:17 6:8 67:6 71:17  <b>help</b> [1] 9:11  <b>hierarchy</b> [1] 70:20  <b>higher</b> [2] 61:25 71:8  <b>highlights</b> [1] 15:4  <b>Hinderlinder</b> [2] 61:24 70:22  <b>hinge</b> [1] 27:12  <b>holds</b> [1] 39:12  <b>Honor</b> [15] 40:21 43:4,7 44:10 47:22 49:16 50:10 51:16 52:17 55:4 59:18,21 62:6 68:2 73:10  <b>hope</b> [1] 19:12  <b>host</b> [2] 36:12 37:9  <b>however</b> [4] 3:13 39:7 42:4 63:9  <b>hundred</b> [2] 60:17 62:1  <b>hundreds</b> [1] 18:13  <b>hurt</b> [1] 16:1  <b>hypothetical</b> [1] 51:5</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p><b>idea</b> [2] 48:15 76:16  <b>ignores</b> [1] 39:14  <b>II</b> [2] 54:10 73:5  <b>III</b> [1] 33:13  <b>illegal</b> [1] 52:9</p>
--	---	--	--	---

## Official

<p><b>immunity</b> <sup>[3]</sup> 76:11,11,12  <b>impact</b> <sup>[1]</sup> 51:13  <b>impeding</b> <sup>[1]</sup> 75:2  <b>impermissible</b> <sup>[1]</sup> 24:18  <b>implicated</b> <sup>[2]</sup> 46:3 64:17  <b>implicitly</b> <sup>[3]</sup> 11:16,17 23:21  <b>importance</b> <sup>[1]</sup> 15:5  <b>important</b> <sup>[3]</sup> 15:17 25:17 76:6  <b>impose</b> <sup>[8]</sup> 3:15 11:12 36:18 37:9 75:22,25 76:18,23  <b>imposed</b> <sup>[1]</sup> 12:6  <b>imposes</b> <sup>[1]</sup> 4:6  <b>imposing</b> <sup>[5]</sup> 30:6 36:23, 24 37:1 53:19  <b>imposition</b> <sup>[1]</sup> 24:18  <b>include</b> <sup>[2]</sup> 59:1 64:12  <b>includes</b> <sup>[1]</sup> 27:17  <b>inconsistent</b> <sup>[2]</sup> 16:12 47:3  <b>incorporate</b> <sup>[1]</sup> 11:17  <b>incorporated</b> <sup>[3]</sup> 23:20,22 62:9  <b>incorporates</b> <sup>[1]</sup> 11:16  <b>incorporating</b> <sup>[1]</sup> 3:24  <b>increased</b> <sup>[1]</sup> 18:3  <b>independent</b> <sup>[4]</sup> 5:9 33:23 34:23 35:1  <b>indicated</b> <sup>[4]</sup> 41:7 66:15 68:21 70:21  <b>individual</b> <sup>[2]</sup> 27:11 59:23  <b>inexplicable</b> <sup>[3]</sup> 15:4,8 55:1  <b>inextricably</b> <sup>[4]</sup> 23:11 43:22 44:24 46:18  <b>infrastructure</b> <sup>[1]</sup> 17:17  <b>initial</b> <sup>[2]</sup> 34:7 75:22  <b>initiate</b> <sup>[1]</sup> 7:25  <b>injunction</b> <sup>[2]</sup> 30:6 75:1  <b>instants</b> <sup>[1]</sup> 39:11  <b>insofar</b> <sup>[1]</sup> 74:16  <b>instance</b> <sup>[2]</sup> 40:15 47:21  <b>Instead</b> <sup>[4]</sup> 4:21 13:10 30:5 60:15  <b>integral</b> <sup>[1]</sup> 44:2  <b>interest</b> <sup>[8]</sup> 6:16,25,25 9:17 16:12 40:14 47:13 64:13  <b>interests</b> <sup>[32]</sup> 4:14,16 5:19 7:7,9,12 10:2,6 16:19 20:4 22:13,21 28:13 29:4,6,10, 12,19,19,23 32:18,22,23 33:1 34:1 43:19 44:24 45:4 55:16 64:12,17 67:19  <b>interfere</b> <sup>[2]</sup> 4:7 13:12  <b>interference</b> <sup>[12]</sup> 13:21 30:24 45:20,20,24 46:13,24 66:5,8,11,17 69:18  <b>interfering</b> <sup>[2]</sup> 72:6 75:2  <b>intergovernment</b> <sup>[1]</sup> 76:11  <b>Interior</b> <sup>[1]</sup> 20:22  <b>internal</b> <sup>[1]</sup> 70:8  <b>internally</b> <sup>[2]</sup> 70:14 72:12</p>	<p><b>interpret</b> <sup>[1]</sup> 52:4  <b>interpretation</b> <sup>[6]</sup> 3:17 48:2,5,16 49:2,3  <b>interstate</b> <sup>[9]</sup> 6:5 64:24 65:25 67:11,14 68:15 71:14 74:7 75:18  <b>intertwined</b> <sup>[4]</sup> 23:11 43:23 46:18 74:10  <b>intervene</b> <sup>[6]</sup> 6:11 28:7 32:17 34:11 55:23  <b>intervened</b> <sup>[3]</sup> 4:3 6:14 10:14  <b>intervenor</b> <sup>[4]</sup> 6:12 45:5, 14 74:1  <b>intervenor's</b> <sup>[1]</sup> 37:24  <b>intervention</b> <sup>[2]</sup> 10:9 15:5  <b>intramural</b> <sup>[1]</sup> 67:7  <b>intramurally</b> <sup>[1]</sup> 72:12  <b>intrastate</b> <sup>[3]</sup> 56:20 67:6 74:6  <b>invested</b> <sup>[1]</sup> 17:23  <b>invoking</b> <sup>[1]</sup> 7:18  <b>involve</b> <sup>[1]</sup> 43:18  <b>involved</b> <sup>[2]</sup> 16:21,21  <b>ironically</b> <sup>[1]</sup> 56:9  <b>irrelevant</b> <sup>[1]</sup> 45:14  <b>irrigation</b> <sup>[8]</sup> 4:1,25 11:10 14:12 16:5 17:14,18 75:16  <b>isn't</b> <sup>[5]</sup> 8:18 15:21 43:5 51:2,12  <b>issue</b> <sup>[8]</sup> 11:11 34:10 54:12 62:15 64:15 68:10,14 75:18  <b>issues</b> <sup>[6]</sup> 39:3,16 40:13 56:20 60:12 67:6  <b>itself</b> <sup>[15]</sup> 3:19 17:7 21:4,13 27:5 30:7 31:5 46:6 54:9 57:6 66:3 69:11 71:1,9 75:13  <b>IV</b> <sup>[2]</sup> 65:2 73:2</p> <p style="text-align: center;"><b>J</b></p> <p><b>JACKSON</b> <sup>[34]</sup> 11:20 21:16,23 22:3,7,10,15,19,24 23:2,4,19 24:15,24 25:12 37:16,17 38:4,11,12 50:11, 13 51:2,9 53:14 61:18 62:3,7,10,17 63:2,24 70:5 74:3  <b>Jackson's</b> <sup>[1]</sup> 68:16  <b>JEFFREY</b> <sup>[3]</sup> 1:23 2:9 64:3  <b>jeopardize</b> <sup>[1]</sup> 44:4  <b>judged</b> <sup>[1]</sup> 42:1  <b>judgment</b> <sup>[3]</sup> 12:4 52:25 55:7  <b>jurisdiction</b> <sup>[7]</sup> 6:4,10 33:11 34:2 40:22,24 76:3  <b>jurisdiction's</b> <sup>[1]</sup> 35:3  <b>Justice</b> <sup>[203]</sup> 1:19 3:3,9 5:8, 11,13,22 6:11,14,21 7:5,14, 16,20 8:9,11,25 9:3,6,9,13 10:8,16,22 11:3,5,20,21 12:8,14,17,20,23 13:13,22 15:7,9,10,25 16:6,10,20 17:1</p>	<p>18:17,20,22 19:4,9,13,19, 22 20:3,5,8,14,18 21:1,9, 16,23,24 22:3,7,10,15,19, 24 23:2,4,19 24:15,24 25:12 26:7,8,22 28:3,3,5,14, 24 30:11,17 31:2,6,11 32:8, 8,10,15,21,25 33:6,7,7,8,9 34:12,19,22 35:1,9,18,24 36:2,20 37:2,10,11,11,13, 14,15,15,17,18 38:4,11,12, 13,19 40:11,17 41:5,15 42:15,17 43:1,5,15 44:22 46:16 47:9 48:8,12 49:6 50:3, 11,13 51:2,9 52:1,11 53:11, 14 54:5,24 55:17,18,19,21 56:5,23,23,24 57:13,16,19, 25 59:9,9,10,11,19,25 60:7, 11,24 61:14,15,15,17,18 62:3,7,10,17 63:2,24,25 64:5 65:13 66:20 67:21 68:7, 9,15,23,25 69:5,6 70:5 71:25 72:5,10,15 73:6,7,8,11, 17 74:3 77:5  <b>justify</b> <sup>[1]</sup> 41:2</p> <p style="text-align: center;"><b>K</b></p> <p><b>KAGAN</b> <sup>[17]</sup> 12:8,14,17,20, 23 13:13,22 26:7,22 28:14 33:7 41:15 42:15 43:15 44:22 46:16 59:9  <b>Kavanaugh</b> <sup>[3]</sup> 37:12 61:16 73:8  <b>keep</b> <sup>[1]</sup> 31:17  <b>keeping</b> <sup>[1]</sup> 41:2  <b>Keller</b> <sup>[1]</sup> 56:10  <b>kind</b> <sup>[3]</sup> 29:21 34:13 74:5  <b>knows</b> <sup>[1]</sup> 47:11</p> <p style="text-align: center;"><b>L</b></p> <p><b>language</b> <sup>[2]</sup> 55:20 71:7  <b>LANORA</b> <sup>[3]</sup> 1:21 2:6 38:16  <b>larger</b> <sup>[2]</sup> 59:7 63:21  <b>last</b> <sup>[3]</sup> 15:12,15 76:15  <b>late</b> <sup>[2]</sup> 39:22 49:5  <b>Laughter</b> <sup>[1]</sup> 9:5  <b>law</b> <sup>[22]</sup> 11:9,23 12:2 20:1 23:5 26:14 27:7,7,7,8,14, 23,24 40:13 41:19 42:13, 13 43:14 46:14 72:12 76:24,25  <b>laws</b> <sup>[3]</sup> 27:3 35:22 63:21  <b>lawsuit</b> <sup>[4]</sup> 40:6 51:6 56:20, 22  <b>lays</b> <sup>[1]</sup> 28:18  <b>leading</b> <sup>[2]</sup> 28:21,22  <b>least</b> <sup>[1]</sup> 24:4  <b>leaving</b> <sup>[1]</sup> 37:4  <b>lectern</b> <sup>[1]</sup> 56:10  <b>left</b> <sup>[2]</sup> 29:12 37:18  <b>legally</b> <sup>[2]</sup> 23:16 62:23  <b>less</b> <sup>[2]</sup> 28:21,22  <b>level</b> <sup>[7]</sup> 17:4,5 30:4,23 46:24 59:24 61:8</p>	<p>21 70:21 71:17  <b>Master's</b> <sup>[1]</sup> 33:16  <b>match</b> <sup>[1]</sup> 7:22  <b>material</b> <sup>[1]</sup> 34:16  <b>materials</b> <sup>[1]</sup> 58:4  <b>matter</b> <sup>[13]</sup> 1:13 23:21 46:14 55:13 65:8 67:14 68:6 70:20 71:14,14,16 75:23, 24  <b>McCarran</b> <sup>[1]</sup> 68:6  <b>mean</b> <sup>[25]</sup> 7:8 10:15 12:10 14:10,15 17:9,12 20:19,19, 19,24 21:23 23:5 26:25 29:6 31:6 38:4 45:9 46:16 47:7,16 63:12 70:6,17 75:24  <b>meaning</b> <sup>[1]</sup> 25:21  <b>means</b> <sup>[2]</sup> 27:4 41:18  <b>measure</b> <sup>[3]</sup> 13:20 60:18 73:1  <b>measured</b> <sup>[2]</sup> 40:2 52:8  <b>measurement</b> <sup>[1]</sup> 73:1  <b>measures</b> <sup>[1]</sup> 65:1  <b>measuring</b> <sup>[1]</sup> 61:4  <b>meet</b> <sup>[5]</sup> 14:12 17:18 40:9 49:8 57:7  <b>meeting</b> <sup>[1]</sup> 57:8  <b>meets</b> <sup>[1]</sup> 39:20  <b>memory</b> <sup>[1]</sup> 28:24  <b>mentioned</b> <sup>[5]</sup> 24:20 30:11 60:1 62:20 63:22  <b>mere</b> <sup>[1]</sup> 76:22  <b>merely</b> <sup>[3]</sup> 29:19 39:21 40:1  <b>merits</b> <sup>[1]</sup> 76:25  <b>methodology</b> <sup>[1]</sup> 39:21  <b>Mexicans</b> <sup>[1]</sup> 51:22  <b>MEXICO</b> <sup>[97]</sup> 1:6,23,24 2:10 3:5 4:1,2,5,6,8 5:1,20 6:22,24 10:3 13:7 14:13,18 15:20,21 16:8,21 18:2,3,6, 8,10 22:16 27:11 29:7 30:6,24 36:7,12,15 38:22 39:5, 11 40:8,13 41:13 46:13 47:2,23 49:9,13,15,19,21 50:7, 14,24 51:3,6,20 53:6 56:20 57:9 61:11 63:13,20 64:4 65:21 66:1,13,23 67:1,3,4, 19,23 68:3,5,10,18,18 69:2, 18,19 70:9,14,15 71:6,12, 15,22,22,23 72:6,13 74:14 75:1,8,10,14,17,17  <b>Mexico's</b> <sup>[4]</sup> 13:20 51:9 71:8 75:11  <b>Michael</b> <sup>[1]</sup> 44:17  <b>micromanaging</b> <sup>[1]</sup> 59:4  <b>middle</b> <sup>[2]</sup> 32:15 44:16  <b>might</b> <sup>[7]</sup> 7:17 14:11 33:19 35:8 47:3 60:7 65:8  <b>miles</b> <sup>[2]</sup> 60:17,17  <b>million</b> <sup>[1]</sup> 61:13  <b>millions</b> <sup>[1]</sup> 18:12  <b>mind</b> <sup>[1]</sup> 32:11  <b>mine</b> <sup>[1]</sup> 52:21  <b>minimis</b> <sup>[1]</sup> 58:3</p>
--	---	---	---

## Official

<p><b>minor</b> <sup>[1]</sup> 75:22  <b>minutes</b> <sup>[1]</sup> 54:1  <b>misallocated</b> <sup>[1]</sup> 15:12  <b>misreading</b> <sup>[1]</sup> 38:1  <b>mix</b> <sup>[1]</sup> 44:7  <b>Mm-hmm</b> <sup>[1]</sup> 51:8  <b>modification</b> <sup>[1]</sup> 48:23  <b>modified</b> <sup>[1]</sup> 31:20  <b>modify</b> <sup>[1]</sup> 31:22  <b>most</b> <sup>[2]</sup> 59:17 76:5  <b>motion</b> <sup>[2]</sup> 52:25 77:3  <b>move</b> <sup>[1]</sup> 54:10  <b>Ms</b> <sup>[45]</sup> 38:15, 18 40:20 41:11,23 42:25 43:4,7 44:10 45:11 46:19 47:21 48:10, 18 49:14 50:10,12,20 51:8, 15 52:10,17 53:23 54:7,25 55:4 56:4,8 57:2,14,18,21 58:21 59:18,21 60:4,10,20, 25 61:23 62:6,8,11,25 63:7  <b>much</b> <sup>[13]</sup> 4:9 15:11 22:16 29:1 40:7 49:19 50:19,23 51:6,11,21 52:15 70:14  <b>must</b> <sup>[4]</sup> 64:19 67:3 71:3 72:18</p>	<p><b>non-interference</b> <sup>[3]</sup> 13:8, 11 30:2  <b>None</b> <sup>[2]</sup> 8:6 39:10  <b>nonetheless</b> <sup>[1]</sup> 39:12  <b>nor</b> <sup>[2]</sup> 38:23 40:14  <b>normally</b> <sup>[1]</sup> 5:23  <b>noted</b> <sup>[2]</sup> 40:11 49:3  <b>nothing</b> <sup>[3]</sup> 12:5 30:1 73:7  <b>notion</b> <sup>[1]</sup> 38:5  <b>numbers</b> <sup>[2]</sup> 31:24 59:7</p>	<p><b>originally</b> <sup>[3]</sup> 47:19,24 55:9  <b>other</b> <sup>[26]</sup> 4:2 8:13 9:18 17:3,20 24:17 27:6,20 30:23 34:8 40:19,19 41:18,19 42:8 47:7 53:15 56:18 57:5 59:25 60:12 62:22 65:4 66:17,19 67:9  <b>otherwise</b> <sup>[2]</sup> 11:1 72:23  <b>out</b> <sup>[18]</sup> 17:10 28:18,20 29:8,23 34:7,9 37:8 39:3 45:6 49:25 50:25 58:4 60:15 61:10 62:1 67:23 70:18  <b>outside</b> <sup>[1]</sup> 53:7  <b>over</b> <sup>[9]</sup> 6:10 14:9 15:12 41:3 44:18 54:21 60:17 63:12 73:22  <b>overrule</b> <sup>[1]</sup> 65:10  <b>own</b> <sup>[9]</sup> 14:21 16:18 24:5 27:1 31:16,17 35:18,21 36:3</p>	<p>50:10,12,20 51:8,15 52:10, 17 53:23 54:7,25 55:4 56:4,8 57:2,14,18,21 58:21 59:18,21 60:4,10,20,25 61:23 62:6,8,11,25 63:7  <b>picking</b> <sup>[1]</sup> 37:17  <b>picture</b> <sup>[2]</sup> 29:24 45:6  <b>place</b> <sup>[2]</sup> 4:21 31:18  <b>places</b> <sup>[1]</sup> 25:25  <b>Plaintiff</b> <sup>[1]</sup> 1:4  <b>plays</b> <sup>[1]</sup> 44:1  <b>please</b> <sup>[3]</sup> 3:10 38:19 64:6  <b>pled</b> <sup>[1]</sup> 55:9  <b>point</b> <sup>[18]</sup> 7:8 21:24 24:20 25:6 29:16 31:10 42:4 45:12 47:17,22 49:11 50:14 51:1,16 61:10 74:21 76:15, 21  <b>pointed</b> <sup>[1]</sup> 29:8  <b>pointing</b> <sup>[1]</sup> 54:3  <b>points</b> <sup>[1]</sup> 73:17  <b>policing</b> <sup>[1]</sup> 9:2  <b>portion</b> <sup>[2]</sup> 74:6,7  <b>position</b> <sup>[7]</sup> 8:23 14:23 27:15 41:21 52:6 62:24 65:21  <b>positions</b> <sup>[3]</sup> 9:25 35:8 56:12  <b>possible</b> <sup>[2]</sup> 35:6 68:10  <b>potential</b> <sup>[2]</sup> 45:24 46:23  <b>potentially</b> <sup>[1]</sup> 34:3  <b>power</b> <sup>[2]</sup> 58:14,16  <b>powers</b> <sup>[1]</sup> 48:1  <b>precipitated</b> <sup>[1]</sup> 4:20  <b>precisely</b> <sup>[6]</sup> 6:7 10:1 44:15 49:25 50:21 72:16  <b>precision</b> <sup>[1]</sup> 40:3  <b>preclude</b> <sup>[1]</sup> 69:14  <b>precluding</b> <sup>[1]</sup> 41:21  <b>preclusion</b> <sup>[1]</sup> 41:24  <b>preclusive</b> <sup>[4]</sup> 26:23 41:17, 23 69:11  <b>predated</b> <sup>[1]</sup> 24:1  <b>predicted</b> <sup>[1]</sup> 56:11  <b>prefer</b> <sup>[3]</sup> 36:21,21 67:24  <b>prejudice</b> <sup>[1]</sup> 33:21  <b>present</b> <sup>[2]</sup> 7:23 40:12  <b>presented</b> <sup>[1]</sup> 28:16  <b>President</b> <sup>[2]</sup> 21:5 24:11  <b>presumably</b> <sup>[2]</sup> 50:7 67:22  <b>presume</b> <sup>[1]</sup> 20:22  <b>pretty</b> <sup>[1]</sup> 23:25  <b>previously</b> <sup>[1]</sup> 58:14  <b>Principal</b> <sup>[1]</sup> 1:21  <b>principle</b> <sup>[1]</sup> 16:17  <b>principles</b> <sup>[1]</sup> 64:10  <b>priority</b> <sup>[2]</sup> 69:23,24  <b>probably</b> <sup>[1]</sup> 31:9  <b>problem</b> <sup>[13]</sup> 11:11,19 13:9 16:25 17:2,4 49:7 53:17 57:25 58:1 60:3,6,9  <b>procedural</b> <sup>[1]</sup> 58:24  <b>process</b> <sup>[5]</sup> 21:7 57:1,5 59:8 63:20  <b>processes</b> <sup>[1]</sup> 57:3</p>	<p><b>Project</b> <sup>[50]</sup> 3:25 4:4,15 5:3 13:8,12 14:6,10 17:7,23 24:1,2,6,7 26:1 27:13,16, 25 28:21,23 30:1,3,5 31:23 43:23 46:9,13,20,23,24 47:3 48:5 51:22 54:16 57:6 59:22 61:7 64:19 68:4 69:16,17 70:1,17 71:1,3,11 72:7,18 74:10 75:3  <b>Project's</b> <sup>[7]</sup> 4:7,24 23:12, 13 25:5 74:13 75:5  <b>projects</b> <sup>[2]</sup> 44:20 57:19  <b>promised</b> <sup>[1]</sup> 17:16  <b>proper</b> <sup>[1]</sup> 37:20  <b>properly</b> <sup>[1]</sup> 75:10  <b>proposed</b> <sup>[7]</sup> 3:12,19 4:19, 21 5:2,5 77:4  <b>protect</b> <sup>[7]</sup> 5:3 24:6 27:21 30:1 50:2 69:25 76:12  <b>protected</b> <sup>[2]</sup> 32:19 47:13  <b>protecting</b> <sup>[3]</sup> 3:24 4:14 74:13  <b>protection</b> <sup>[4]</sup> 4:4 30:4 68:19 74:17  <b>provide</b> <sup>[1]</sup> 73:1  <b>provision</b> <sup>[1]</sup> 21:13  <b>provisions</b> <sup>[1]</sup> 25:6  <b>pulled</b> <sup>[1]</sup> 7:21  <b>pump</b> <sup>[1]</sup> 50:19  <b>pumping</b> <sup>[20]</sup> 4:10,20,22, 23 14:7 17:4 18:3,5,15 36:8,13,16 49:19 51:23 52:9, 12 53:2 61:8,11 66:21  <b>purely</b> <sup>[3]</sup> 51:25 67:7 71:13  <b>purport</b> <sup>[1]</sup> 33:18  <b>purpose</b> <sup>[2]</sup> 22:3 42:9  <b>purposes</b> <sup>[2]</sup> 24:3,5  <b>pursuant</b> <sup>[4]</sup> 10:12 15:15 62:19 68:6  <b>pursue</b> <sup>[4]</sup> 4:12 22:9 34:11, 24  <b>pursued</b> <sup>[1]</sup> 33:21  <b>pursuing</b> <sup>[4]</sup> 8:10,20 29:8, 11  <b>put</b> <sup>[5]</sup> 24:14 56:6 57:11 58:22 62:16</p>			
<b>N</b>		<b>O</b>		<b>P</b>		<b>Q</b>	
<p><b>namely</b> <sup>[1]</sup> 4:25  <b>narrow</b> <sup>[1]</sup> 40:24  <b>natural</b> <sup>[1]</sup> 29:22  <b>nature</b> <sup>[7]</sup> 8:19 43:25 51:18 53:9 55:5 66:20 74:2  <b>Nebraska</b> <sup>[3]</sup> 42:5 43:8 71:7  <b>necessarily</b> <sup>[4]</sup> 21:17 37:20 38:8 62:23  <b>necessary</b> <sup>[1]</sup> 43:12  <b>need</b> <sup>[4]</sup> 12:9 14:1 31:19 57:10  <b>needed</b> <sup>[1]</sup> 32:18  <b>needs</b> <sup>[3]</sup> 17:18 52:8 57:11  <b>negative</b> <sup>[1]</sup> 63:10  <b>neither</b> <sup>[2]</sup> 38:22 40:14  <b>Nevada</b> <sup>[4]</sup> 67:14,15,17,19  <b>never</b> <sup>[1]</sup> 56:21  <b>NEW</b> <sup>[94]</sup> 1:6,23,24 2:10 3:5 4:2,5,6,8 5:19 6:22,24 10:3 13:7,20 15:20,21 16:8,21 18:2,3,6,7,10 21:6 22:15 27:11 29:7 30:6,24 36:7,12,15 38:22 39:5,11 40:8, 13 41:13 46:13 47:2,23 48:19 49:19,21 50:6,14,24 51:3,6,9,20,21 53:6 56:20 57:8 61:11 63:12,19 64:4 65:20 66:1,13,23 67:1,3,4,19, 23 68:3,5,10,18,18 69:2,18, 19 70:9,14,15 71:5,8,12,15, 21,22,23 72:6,13 75:1,8,10, 11,14  <b>next</b> <sup>[2]</sup> 3:4 39:23  <b>nit-picky</b> <sup>[1]</sup> 59:3  <b>non-consenting</b> <sup>[4]</sup> 74:1 76:1,23 77:1</p>	<p><b>object</b> <sup>[2]</sup> 16:2 38:7  <b>object</b> <sup>[8]</sup> 8:5 39:13,23 40:4,6 41:3 48:25 53:15  <b>objects</b> <sup>[1]</sup> 35:12  <b>obligation</b> <sup>[4]</sup> 5:20 48:21 50:25 62:12  <b>obligations</b> <sup>[24]</sup> 3:15 8:11 13:24 24:9,13 36:18 37:9 41:1,2 44:5 49:9,11 53:19 54:3 61:21 62:5 66:6,9 67:2 75:19,21,22 76:1  <b>observed</b> <sup>[1]</sup> 65:6  <b>occurring</b> <sup>[1]</sup> 14:8  <b>October</b> <sup>[1]</sup> 51:17  <b>officer</b> <sup>[1]</sup> 22:1  <b>offset</b> <sup>[2]</sup> 36:9,12  <b>okay</b> <sup>[7]</sup> 10:9 16:10 20:15 37:2 60:11 61:14 62:7  <b>once</b> <sup>[3]</sup> 45:3 67:14 71:2 20 24:2,5,16,20 25:10 26:16 30:17 34:15 36:20,21 38:20 40:7,24 47:6 53:4, 16 54:8 57:3 58:6 65:14 70:12  <b>ones</b> <sup>[2]</sup> 18:16 37:5  <b>ongoing</b> <sup>[2]</sup> 49:23 57:24  <b>only</b> <sup>[10]</sup> 15:4 16:17 43:18 57:7 62:1 64:15 66:2 67:18 68:14 70:2  <b>open</b> <sup>[1]</sup> 40:20  <b>operate</b> <sup>[2]</sup> 69:17 71:3  <b>operated</b> <sup>[2]</sup> 47:2 72:19  <b>operating</b> <sup>[7]</sup> 15:16,17,19, 22,23 30:15 31:4  <b>operation</b> <sup>[6]</sup> 17:21 18:14 44:2,25 54:16 71:1  <b>operations</b> <sup>[3]</sup> 25:5 31:23 64:20  <b>operative</b> <sup>[1]</sup> 8:15  <b>opinion</b> <sup>[3]</sup> 43:10,11 55:21  <b>opportunity</b> <sup>[1]</sup> 10:23  <b>opposed</b> <sup>[1]</sup> 48:2  <b>opposite</b> <sup>[1]</sup> 58:5  <b>oral</b> <sup>[1]</sup> 1:14 2:2,5,8 3:7 10:5 38:16 64:3  <b>orders</b> <sup>[1]</sup> 30:8  <b>ordinary</b> <sup>[1]</sup> 76:7  <b>original</b> <sup>[15]</sup> 3:4 5:23 6:4, 10 9:21 26:2,9 28:18 33:11 34:2 35:2 40:18,21 41:4 76:3</p>	<p><b>p.m</b> <sup>[1]</sup> 77:7  <b>PAGE</b> <sup>[7]</sup> 2:2 18:25 29:2,17 31:19 52:22 74:24  <b>pages</b> <sup>[2]</sup> 23:10 25:8  <b>paid</b> <sup>[1]</sup> 18:11  <b>paragraph</b> <sup>[3]</sup> 8:24 9:7 28:17  <b>parallel</b> <sup>[3]</sup> 55:24 57:6 74:22  <b>parens</b> <sup>[1]</sup> 16:16  <b>part</b> <sup>[10]</sup> 16:24 17:3 25:1 27:2 33:20 45:25 49:2 53:16 56:22 63:20  <b>participate</b> <sup>[2]</sup> 44:9 45:5  <b>particular</b> <sup>[5]</sup> 16:22 21:12 43:9,10 51:21  <b>parties</b> <sup>[8]</sup> 20:10,11 29:6 30:14 36:21 37:20 55:5 76:23  <b>parties'</b> <sup>[1]</sup> 9:25  <b>partway</b> <sup>[1]</sup> 13:19  <b>party</b> <sup>[11]</sup> 9:16 10:10,18,19, 20 15:21 43:12 44:13 49:22 76:1 77:1  <b>Paso</b> <sup>[1]</sup> 61:2  <b>passage</b> <sup>[1]</sup> 8:24  <b>patriae</b> <sup>[1]</sup> 16:17  <b>pay</b> <sup>[2]</sup> 17:21 18:13  <b>people</b> <sup>[5]</sup> 51:22 53:7,8 75:14,25  <b>percent</b> <sup>[5]</sup> 38:21,22,24 72:2,21  <b>perfect</b> <sup>[1]</sup> 6:3  <b>perform</b> <sup>[1]</sup> 7:25  <b>period</b> <sup>[2]</sup> 38:25 63:12  <b>permitted</b> <sup>[2]</sup> 42:22 55:22  <b>personally</b> <sup>[1]</sup> 20:19  <b>PETTIT</b> <sup>[48]</sup> 1:21 2:6 38:15, 16,18 40:20 41:11,23 42:25 43:4,7 44:10 45:11 46:19 47:21 48:10,18 49:14</p>	<p><b>possible</b> <sup>[2]</sup> 35:6 68:10  <b>potential</b> <sup>[2]</sup> 45:24 46:23  <b>potentially</b> <sup>[1]</sup> 34:3  <b>power</b> <sup>[2]</sup> 58:14,16  <b>powers</b> <sup>[1]</sup> 48:1  <b>precipitated</b> <sup>[1]</sup> 4:20  <b>precisely</b> <sup>[6]</sup> 6:7 10:1 44:15 49:25 50:21 72:16  <b>precision</b> <sup>[1]</sup> 40:3  <b>preclude</b> <sup>[1]</sup> 69:14  <b>precluding</b> <sup>[1]</sup> 41:21  <b>preclusion</b> <sup>[1]</sup> 41:24  <b>preclusive</b> <sup>[4]</sup> 26:23 41:17, 23 69:11  <b>predated</b> <sup>[1]</sup> 24:1  <b>predicted</b> <sup>[1]</sup> 56:11  <b>prefer</b> <sup>[3]</sup> 36:21,21 67:24  <b>prejudice</b> <sup>[1]</sup> 33:21  <b>present</b> <sup>[2]</sup> 7:23 40:12  <b>presented</b> <sup>[1]</sup> 28:16  <b>President</b> <sup>[2]</sup> 21:5 24:11  <b>presumably</b> <sup>[2]</sup> 50:7 67:22  <b>presume</b> <sup>[1]</sup> 20:22  <b>pretty</b> <sup>[1]</sup> 23:25  <b>previously</b> <sup>[1]</sup> 58:14  <b>Principal</b> <sup>[1]</sup> 1:21  <b>principle</b> <sup>[1]</sup> 16:17  <b>principles</b> <sup>[1]</sup> 64:10  <b>priority</b> <sup>[2]</sup> 69:23,24  <b>probably</b> <sup>[1]</sup> 31:9  <b>problem</b> <sup>[13]</sup> 11:11,19 13:9 16:25 17:2,4 49:7 53:17 57:25 58:1 60:3,6,9  <b>procedural</b> <sup>[1]</sup> 58:24  <b>process</b> <sup>[5]</sup> 21:7 57:1,5 59:8 63:20  <b>processes</b> <sup>[1]</sup> 57:3</p>	<p><b>question</b> <sup>[22]</sup> 7:24 18:23 26:9,18,23 40:21 41:25 42:23 43:3 45:14 47:10 48:17 50:4 51:19,20 53:20 62:17 64:7 68:16 69:19,21 72:8  <b>questions</b> <sup>[6]</sup> 5:7 40:16 65:12 68:17 71:18,21  <b>quick</b> <sup>[2]</sup> 9:22 73:17  <b>quickly</b> <sup>[1]</sup> 24:16  <b>quite</b> <sup>[3]</sup> 7:21 35:16 56:6  <b>quoted</b> <sup>[1]</sup> 47:24  <b>quoting</b> <sup>[1]</sup> 39:4</p>			
<b>R</b>							
						<p><b>raise</b> <sup>[4]</sup> 26:10 31:25 67:24 69:21</p>	

## Official

<p><b>raised</b> [2] 48:25 53:5  <b>ramifications</b> [1] 34:3  <b>rare</b> [1] 6:22  <b>Rather</b> [3] 15:24 36:21 76:24  <b>ratified</b> [2] 21:4 48:1  <b>read</b> [5] 8:23,24 9:7,7 26:15  <b>reading</b> [1] 58:4  <b>reads</b> [1] 26:16  <b>real</b> [1] 11:18  <b>really</b> [18] 12:9 24:16 25:2 27:22 29:25 43:17 44:6 45:17 46:8 51:19,20 57:7 59:2,2 67:1 69:15,19 70:2  <b>reason</b> [2] 23:24 53:16  <b>reasonable</b> [5] 39:18 48:2,5,15 49:1  <b>reasons</b> [7] 3:19 23:9 28:14 39:10 43:21 53:4 77:2  <b>REBUTTAL</b> [3] 2:11 73:13,14  <b>recall</b> [1] 7:20  <b>receive</b> [1] 69:13  <b>received</b> [1] 63:13  <b>recently</b> [1] 52:24  <b>Reclamation</b> [23] 11:6,9,22 12:5 17:12,13 23:6 27:7,24 40:12 44:20 46:14 47:4 49:20 51:5,5 52:14 58:21 68:2,4,7 72:7,11  <b>recognize</b> [2] 13:7 30:2  <b>recognized</b> [3] 16:16 45:23 64:22  <b>recognizing</b> [2] 4:13 13:10  <b>recommending</b> [1] 71:18  <b>record</b> [1] 36:11  <b>reduce</b> [2] 61:11 71:24  <b>reference</b> [1] 31:10  <b>referred</b> [1] 68:8  <b>reflect</b> [1] 30:3  <b>reflection</b> [1] 28:17  <b>reflects</b> [3] 17:13 30:21,21  <b>regarding</b> [1] 61:22  <b>regret</b> [2] 9:4 34:13  <b>regulation</b> [1] 76:14  <b>reiterated</b> [1] 10:5  <b>rejected</b> [1] 3:20  <b>related</b> [1] 70:8  <b>relationship</b> [1] 16:15  <b>relief</b> [5] 8:5,12,16,17 26:15  <b>relying</b> [1] 38:5  <b>remain</b> [3] 7:12 32:22,23  <b>remaining</b> [3] 65:6 67:16 68:16  <b>remains</b> [1] 18:5  <b>remedy</b> [3] 13:5 26:11 63:16  <b>remember</b> [1] 28:9  <b>remembered</b> [1] 18:23  <b>repeated</b> [1] 24:4  <b>repeatedly</b> [1] 39:2</p>	<p><b>replace</b> [1] 14:20  <b>reply</b> [1] 27:1  <b>report</b> [2] 25:8 66:15  <b>reported</b> [1] 57:17  <b>represent</b> [1] 20:23  <b>representation</b> [4] 9:9,24 16:18 34:14  <b>representing</b> [1] 48:14  <b>require</b> [2] 31:21 39:11  <b>required</b> [1] 20:10  <b>requirement</b> [1] 47:14  <b>requirements</b> [1] 58:25  <b>requires</b> [7] 3:11 11:22 21:14 26:24 30:8 39:24 41:18  <b>requiring</b> [1] 61:11  <b>reserve</b> [1] 44:19  <b>Reservoir</b> [1] 32:1  <b>reservoirs</b> [1] 17:17  <b>resolution</b> [1] 65:7  <b>resolve</b> [5] 33:25 35:10 41:24 65:5 76:17  <b>resolved</b> [10] 46:15 50:9 64:9,15 66:23 67:14,17 70:3 71:19 72:11  <b>resolves</b> [1] 68:14  <b>respect</b> [8] 13:6,8 16:14,19 24:13 30:3 61:20 73:20  <b>respectfully</b> [1] 8:9  <b>respecting</b> [1] 45:1  <b>response</b> [3] 27:19 38:5 51:10  <b>responses</b> [3] 9:23 52:18 56:8  <b>responsibility</b> [1] 11:6  <b>responsible</b> [1] 23:16  <b>rest</b> [3] 17:2 27:25 30:25  <b>result</b> [2] 29:25 46:2  <b>results</b> [1] 29:24  <b>retaining</b> [1] 58:18  <b>return</b> [1] 36:7  <b>reverse</b> [1] 58:12  <b>review</b> [1] 40:17  <b>rights</b> [6] 28:8 41:7 58:23 61:24 62:14 68:5  <b>Rio</b> [8] 3:17,25 38:20 43:23 57:3 64:13,19 75:3  <b>ripe</b> [2] 40:10 50:22  <b>rise</b> [2] 61:24 71:7  <b>rises</b> [1] 46:24  <b>risk</b> [2] 17:8 24:14  <b>river</b> [2] 38:24 44:14  <b>river's</b> [1] 38:21  <b>road</b> [1] 14:11  <b>ROBERTS</b> [25] 3:3 28:3 32:8 33:7 37:11,15 38:13 47:9 48:8,12 49:6 50:3 54:5,24 55:17 56:23 59:9 61:15 63:25 67:21 68:9,23 73:6,11 77:5  <b>role</b> [1] 44:2  <b>room</b> [2] 15:23 62:15  <b>rubber-stamp</b> [1] 48:20  <b>rule</b> [3] 76:2,5,9  <b>rules</b> [5] 45:1,9,12 76:10,</p>	<p>12  <b>run</b> [3] 29:22 57:3,6</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>same</b> [33] 6:20,25 7:4,6,9,11 8:4,10,12,16,21 13:1 18:5 20:4,6,7 21:7 22:12 26:15 29:2,9,11,11 32:12,22,24 51:3 55:20 57:15 58:11 59:19,24 75:6  <b>Santa</b> [1] 1:23  <b>satisfy</b> [2] 44:5 67:2  <b>saying</b> [18] 19:10,23 20:15 25:13 30:22 31:17,18 34:23 37:6 42:19 43:1,2,11 46:4 51:3 53:4 63:5 65:24  <b>says</b> [10] 5:19 27:1 28:2 33:19 36:15 49:7 52:3 55:22 59:17 72:11  <b>scenario</b> [1] 76:5  <b>scope</b> [2] 8:2 54:13  <b>second</b> [5] 13:16 44:1 54:12 64:18 74:2  <b>Secretary</b> [1] 20:21  <b>Section</b> [1] 12:4  <b>see</b> [7] 45:9 53:11,13,21,21 59:11 71:25  <b>seek</b> [2] 53:24 69:22  <b>seeking</b> [6] 8:4,11,16,17 26:11,14  <b>seem</b> [1] 70:6  <b>seemed</b> [4] 41:6 42:15 56:5 65:15  <b>seems</b> [3] 29:3 34:1 56:6  <b>send</b> [1] 67:22  <b>seniority</b> [1] 50:1  <b>sense</b> [11] 9:15,17 25:17 40:22 41:24 46:7,19,22 53:24 61:6 74:7  <b>sent</b> [1] 67:11  <b>separate</b> [4] 46:11,17 61:1 70:18  <b>serious</b> [1] 60:5  <b>serves</b> [1] 47:6  <b>set</b> [4] 57:1,17 60:12 71:2  <b>settle</b> [3] 33:18 35:21 36:2  <b>settled</b> [3] 33:2,4 43:8  <b>settlement</b> [2] 55:5 64:8  <b>settles</b> [1] 43:3  <b>Settling</b> [1] 35:18  <b>share</b> [6] 65:1 69:20 73:2 75:11,13,15  <b>shift</b> [1] 24:15  <b>shouldn't</b> [2] 38:7 51:23  <b>shut</b> [2] 67:3 71:23  <b>side</b> [3] 8:13 12:12 27:20  <b>signed</b> [2] 20:21 21:5  <b>simple</b> [1] 28:19  <b>simply</b> [4] 22:8 28:16 31:1 36:15  <b>since</b> [10] 5:16 8:18 13:17,17 25:20 31:5,9 45:18 49:5 59:22  <b>single</b> [4] 41:25 46:22,23</p>	<p>48:25  <b>situation</b> [1] 58:6  <b>Six</b> [4] 4:11 7:11 43:21 46:17  <b>slightly</b> [1] 59:7  <b>so-called</b> [1] 38:25  <b>Solicitor</b> [3] 1:18,21 48:13  <b>solution</b> [1] 39:17  <b>solved</b> [1] 39:6  <b>someday</b> [1] 35:8  <b>somehow</b> [1] 27:9  <b>somewhat</b> [1] 28:25  <b>sorry</b> [1] 42:17  <b>sort</b> [7] 6:7 21:25 28:10 34:17 36:14 46:20 67:23  <b>sorts</b> [2] 67:5,10  <b>SOTOMAYOR</b> [32] 18:17,20 19:4,9,13,19,22 20:3,8,14,18 21:1,9 32:10,15,21,25 33:6 42:17 43:1,5 52:1,11 53:11 56:24 57:13,16,19,25 68:25 69:5,6  <b>source</b> [1] 22:20  <b>sources</b> [2] 26:14 27:6  <b>sovereign</b> [7] 6:6 23:7 58:6,9 76:8,10,11  <b>Special</b> [17] 33:16 40:25 41:5,11 45:23 48:24 51:17 52:5,20 55:6 60:2,4 65:6 66:14 68:21 70:21 71:17  <b>specific</b> [4] 45:16 54:8 63:10 67:3  <b>specifically</b> [3] 40:23 63:8,22  <b>specified</b> [1] 74:19  <b>specifies</b> [1] 50:23  <b>specify</b> [2] 38:24 48:11  <b>spectrum</b> [1] 44:11  <b>spell</b> [1] 17:10  <b>spent</b> [1] 61:12  <b>spreadsheets</b> [1] 31:24  <b>stage</b> [2] 34:8 55:7  <b>stake</b> [1] 13:24  <b>standard</b> [1] 39:21  <b>standing</b> [4] 9:8 35:17 56:10 76:7  <b>start</b> [1] 26:12  <b>starting</b> [2] 18:22 42:12  <b>state</b> [24] 6:6,17 7:25 11:22 12:1 16:19 27:7,14,19,23 35:2 40:13 41:13 42:13 43:14 50:8 63:20 65:14 66:25 67:8,17 68:5,17 72:12  <b>state's</b> [2] 14:21 25:11  <b>stated</b> [1] 58:22  <b>STATES</b> [135] 1:1,15,20 2:4,13 3:8,15,17,22 4:3,8,13,17 5:4,9 6:23 7:10,11,24 8:3,20 9:1,20 10:2,4 12:3,7 13:11 15:3 16:13 17:23 18:7,11 19:1,2 21:4 23:7,15 24:13,19,21 25:3,9,9,19,24 26:4,6 27:3 28:6 29:18 30:9,16,21 33:3,5,12,15,24 34:</p>	<p>10,15 35:7,7,10,12,16,17 36:19,24,25,25 37:4 38:6,7 39:3,11,15,22,25 41:4 42:3,7,7 43:12,18 44:1,13 49:4,12,15 50:6 52:18 53:22 57:20 58:7,22,25 59:1 61:20,25 62:13,14,18,21,22 64:8,9,12,23 65:5,15,16 66:2,4,69:15 70:4,8,10,23,25 71:11 73:15,20 75:9 76:6,14,16,19,22  <b>States</b> [18] 3:13 4:12,18 5:10 12:12 16:17 17:15 24:8 27:1 28:17 29:23 31:16 36:17 51:14 64:16 65:11 74:3 77:3  <b>status</b> [1] 25:2  <b>step</b> [1] 47:18  <b>stepping</b> [1] 58:9  <b>still</b> [9] 4:17 7:1 8:20 12:12,23 34:17 60:21,22 61:19  <b>stop</b> [2] 4:23 75:1  <b>storage</b> [1] 28:22  <b>straight</b> [1] 52:24  <b>straightforward</b> [1] 23:25  <b>strange</b> [1] 24:11  <b>stream</b> [1] 49:24  <b>strict</b> [1] 55:8  <b>stuck</b> [4] 26:19 28:1 29:14 43:3  <b>study</b> [1] 39:7  <b>subject</b> [2] 58:24 59:16  <b>submitted</b> [2] 77:6,8  <b>substantially</b> [2] 8:4,12  <b>substantive</b> [2] 26:14 58:24  <b>sue</b> [1] 50:6  <b>sufficient</b> [1] 24:7  <b>suggest</b> [1] 65:15  <b>suggesting</b> [2] 8:25 44:23  <b>suit</b> [1] 4:20  <b>Sullivan</b> [1] 44:17  <b>summary</b> [2] 52:25 55:7  <b>superior</b> [1] 65:8  <b>supply</b> [4] 4:15 14:5,10 24:8  <b>supporting</b> [1] 7:15  <b>suppose</b> [1] 27:15  <b>supposed</b> [1] 33:24  <b>SUPREME</b> [2] 1:1,14  <b>system</b> [3] 57:11 70:12 74:9</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>tagging</b> [1] 29:15  <b>technical</b> [1] 39:16  <b>tells</b> [2] 50:19 51:11  <b>term</b> [3] 14:9 17:6 46:21  <b>terms</b> [8] 16:1 19:14,23 22:16 26:13 39:19 60:8 65:22  <b>TEXAS</b> [60] 1:3,22,22 2:7 3:5 4:2 6:17,21,24 7:15 8:12,17,20 9:15 10:3 12:14,24</p>
--	---	---	--	---

## Official

<p>13:18 14:3,22 16:7,9,22 18:8 29:2,13 32:11 36:6 38:17,22 39:5,11 40:8,14 46:5,5 47:23 55:9 56:14, 21 57:8 60:19 61:3,4,25 62:2 63:15,16 65:14,15,24 66:1,13,23 69:13 72:3,21, 22 73:19 75:20 <b>Texas's</b> <sup>[12]</sup> 6:25 8:5,5 24: 4 29:20 39:25 45:21 55:15, 24 65:1 73:2 74:24 <b>themselves</b> <sup>[2]</sup> 29:7 39:4 <b>theoretical</b> <sup>[1]</sup> 47:10 <b>there's</b> <sup>[15]</sup> 11:23 26:12 27: 7,7 29:3 41:18 42:18,18 48:22 57:10 60:3,5,6 75:4 76:2 <b>they'll</b> <sup>[2]</sup> 50:7 53:12 <b>they've</b> <sup>[7]</sup> 42:23 46:8,8 49: 17,24 58:16 61:12 <b>thinking</b> <sup>[2]</sup> 27:6 36:23 <b>thinks</b> <sup>[1]</sup> 45:8 <b>third</b> <sup>[8]</sup> 10:19 25:7 44:3 54: 20 64:22 66:15 75:19 76:1 <b>THOMAS</b> <sup>[24]</sup> 5:8,12,13,22 6:11,14,21 7:5 28:4,5,24 30:11,17 31:2,6,11 40:17 41:5 55:18,19 56:5 65:13 66:20 73:7 <b>Thomas's</b> <sup>[1]</sup> 26:8 <b>though</b> <sup>[1]</sup> 29:8 <b>Thoughts</b> <sup>[1]</sup> 34:5 <b>thousands</b> <sup>[1]</sup> 18:13 <b>three</b> <sup>[3]</sup> 24:4 39:10 54:7 <b>today</b> <sup>[4]</sup> 3:22 4:17 40:5 49: 18 <b>together</b> <sup>[5]</sup> 30:22 57:22, 23 75:25 76:17 <b>took</b> <sup>[1]</sup> 58:17 <b>top</b> <sup>[1]</sup> 46:1 <b>transcript</b> <sup>[1]</sup> 52:22 <b>transfer</b> <sup>[10]</sup> 18:7 25:9,24 30:9 54:20 62:4,12,18 63: 11,15 <b>transferred</b> <sup>[1]</sup> 63:15 <b>transfers</b> <sup>[1]</sup> 63:9 <b>transform</b> <sup>[1]</sup> 40:6 <b>treat</b> <sup>[1]</sup> 27:4 <b>treated</b> <sup>[1]</sup> 17:11 <b>treaties</b> <sup>[1]</sup> 22:24 <b>treating</b> <sup>[1]</sup> 16:22 <b>treats</b> <sup>[1]</sup> 42:7 <b>treaty</b> <sup>[15]</sup> 13:24 14:18 23: 18 24:9 44:5 45:20,25 46: 2 49:9 50:24 60:2,3,6,9 68: 19 <b>treaty's</b> <sup>[1]</sup> 46:2 <b>trial</b> <sup>[3]</sup> 13:19 19:15,18 <b>tried</b> <sup>[2]</sup> 46:8,8 <b>triggered</b> <sup>[1]</sup> 63:11 <b>true</b> <sup>[2]</sup> 8:6,7 <b>try</b> <sup>[1]</sup> 27:18 <b>trying</b> <sup>[5]</sup> 49:24 53:10 56: 19 74:16,18</p>	<p><b>tweak</b> <sup>[1]</sup> 60:20 <b>tweaks</b> <sup>[1]</sup> 39:21 <b>two</b> <sup>[27]</sup> 4:1,25 7:3 9:22 11: 10 12:3,11 16:5 25:19 30: 22 32:7 33:15,24 35:10 46: 10,17 49:4 52:17 54:18 56: 8 57:2,19 70:4,18,25 75:16, 25 <b>type</b> <sup>[3]</sup> 41:2 51:24 53:2 <b>typically</b> <sup>[1]</sup> 46:15</p> <hr/> <p style="text-align: center;"><b>U</b></p> <p><b>U.S</b> <sup>[10]</sup> 6:12 41:7,8 45:4,6, 7 52:23 55:22 56:6,15 <b>ultimately</b> <sup>[2]</sup> 52:6 70:16 <b>under</b> <sup>[30]</sup> 5:21 6:5 8:1 10: 11 11:4,5,9 18:1,4 21:6,8, 12,12,20 23:17 24:9,20 26: 15 27:14,21 40:12 43:13 47:4,17 61:24 66:7 73:22, 22 75:11,23 <b>underlying</b> <sup>[1]</sup> 6:19 <b>undermine</b> <sup>[1]</sup> 17:25 <b>undermined</b> <sup>[1]</sup> 28:1 <b>understand</b> <sup>[6]</sup> 13:3 15:17 20:24 51:12 62:3 66:22 <b>understanding</b> <sup>[5]</sup> 6:15 14:3 34:16 47:11 70:20 <b>understood</b> <sup>[6]</sup> 29:16 35:5 37:19 53:18 65:23 69:9 <b>undertaken</b> <sup>[1]</sup> 58:17 <b>undisputed</b> <sup>[1]</sup> 64:14 <b>unfair</b> <sup>[1]</sup> 53:5 <b>unfairly</b> <sup>[1]</sup> 17:12 <b>unique</b> <sup>[1]</sup> 42:13 <b>UNITED</b> <sup>[103]</sup> 1:1,15,20 2:4, 13 3:8,13,15,17,21 4:2,8, 12,13,17,18 5:4,9 7:11,24 8:20 9:1 10:2,4 12:7,12 15: 3 17:15,23 18:7,11 19:2 23:7,15 24:8,13,19,21 25:3, 9,19,24 26:4 27:3 28:6,17 29:18,23 30:8,16,21 34:10 35:7,12,16 36:17,19,24 38: 7 39:10,22,25 42:2,6,7 43: 11 44:1,13 49:4,12,15 50:5 51:13 52:18 53:22 59:1 61: 20 62:13,18,22 64:7,12,16 65:5,10,15,20 66:4,13,25 67:13,22 68:20 69:14 70:7, 22 71:11 73:15,20 74:3 75: 9 76:6,19 <b>unless</b> <sup>[1]</sup> 11:23 <b>unnecessary</b> <sup>[1]</sup> 12:24 <b>unsustainable</b> <sup>[3]</sup> 4:22 14: 8 17:5 <b>untangle</b> <sup>[1]</sup> 75:4 <b>until</b> <sup>[1]</sup> 56:16 <b>up</b> <sup>[18]</sup> 7:17,21 12:15 15:2 18:5,18 30:24 34:10 37:17 44:25 53:12 55:2 56:16 57: 1,17 62:13 75:11,15 <b>upheld</b> <sup>[1]</sup> 4:11 <b>upshot</b> <sup>[1]</sup> 35:13</p>	<p><b>upstream</b> <sup>[1]</sup> 53:8 <b>users</b> <sup>[12]</sup> 27:12 51:23 67:3, 8,11,20 68:18 69:18 71:13, 23 72:6 75:10 <b>uses</b> <sup>[2]</sup> 30:16 67:10 <b>using</b> <sup>[1]</sup> 72:3</p> <hr/> <p style="text-align: center;"><b>V</b></p> <p><b>vague</b> <sup>[1]</sup> 28:25 <b>validity</b> <sup>[1]</sup> 26:19 <b>value</b> <sup>[1]</sup> 34:16 <b>Vermont</b> <sup>[1]</sup> 48:19 <b>versus</b> <sup>[3]</sup> 67:13 70:22 71: 7 <b>veto</b> <sup>[1]</sup> 64:8 <b>viability</b> <sup>[1]</sup> 17:7 <b>view</b> <sup>[7]</sup> 4:18 17:5 26:20 41: 6,10 76:24,24 <b>views</b> <sup>[2]</sup> 35:25 65:16 <b>vindicate</b> <sup>[3]</sup> 28:8 41:7,12 <b>vindicated</b> <sup>[3]</sup> 5:24 6:2 28: 13 <b>violated</b> <sup>[1]</sup> 54:18 <b>violates</b> <sup>[1]</sup> 39:14 <b>violating</b> <sup>[3]</sup> 4:9 5:20 53: 25 <b>violation</b> <sup>[4]</sup> 46:22,25 47:4, 5</p> <hr/> <p style="text-align: center;"><b>W</b></p> <p><b>wanted</b> <sup>[3]</sup> 13:1 32:17 75: 20 <b>war</b> <sup>[2]</sup> 49:12,15 <b>Washington</b> <sup>[2]</sup> 1:10,19 <b>water</b> <sup>[83]</sup> 3:23,25 4:7,15, 24 10:11 11:23 12:2,11,11 13:12,25 14:1,6,10,12,15, 20 15:11,15 17:18 18:7,19 23:12,13,17 24:8 25:10,18, 24 27:11,13,16,17,21,22 28:1,21,22 30:9,25 32:1,3 39:12 40:1,2,7 49:19 50: 19,24 51:7,11,21 58:23 60: 14,16 62:18 63:14,18 64: 14 66:24 67:3,5,8,19 68:11, 18 69:13,18 70:9,12 71:13, 13,22,22,23 72:6 74:9,14, 15,18 75:5,16 <b>waters</b> <sup>[1]</sup> 38:21 <b>way</b> <sup>[16]</sup> 13:3,19 35:17 37:8 41:19 47:2 63:9,16 66:18 69:23 70:13,13,18 73:1 74: 20 75:4 <b>ways</b> <sup>[2]</sup> 36:12 44:20 <b>WECHSLER</b> <sup>[16]</sup> 1:23 2:9 64:2,3,5 65:20 66:22 68:1, 13 69:4,8 70:19 72:4,9,14 73:10 <b>Wednesday</b> <sup>[1]</sup> 1:11 <b>weigh</b> <sup>[1]</sup> 21:22 <b>welcome</b> <sup>[3]</sup> 5:7 40:16 65: 12 <b>wells</b> <sup>[1]</sup> 67:4 <b>West</b> <sup>[1]</sup> 44:18</p>	<p><b>whatever</b> <sup>[2]</sup> 20:20 29:13 <b>Whereupon</b> <sup>[1]</sup> 77:7 <b>whether</b> <sup>[17]</sup> 7:24 10:20 12: 6 15:20 19:6 20:3 34:10 41:1 44:22 45:13 48:22 50: 1 52:5 54:17 58:2 64:7 75: 10 <b>whole</b> <sup>[3]</sup> 43:6 51:20 76:21 <b>will</b> <sup>[14]</sup> 12:1,15 13:23 14:8, 10 19:7,15 27:2,3 40:8 41: 24 42:13 52:5 75:9 <b>wisely</b> <sup>[1]</sup> 39:6 <b>wish</b> <sup>[1]</sup> 12:3 <b>withdrawing</b> <sup>[1]</sup> 37:7 <b>within</b> <sup>[8]</sup> 54:13 56:20 61:3 67:3,8,17 68:17 71:3 <b>without</b> <sup>[8]</sup> 3:14,15 8:5 19: 24 20:14 33:20 37:25 62: 14 <b>words</b> <sup>[4]</sup> 34:8 46:21 52:21 62:22 <b>work</b> <sup>[3]</sup> 57:22,23 63:9 <b>works</b> <sup>[5]</sup> 26:3 47:10,12 70: 12 74:9 <b>world</b> <sup>[2]</sup> 31:1,3 <b>worried</b> <sup>[1]</sup> 59:17 <b>Wyoming</b> <sup>[2]</sup> 42:5 71:7</p> <hr/> <p style="text-align: center;"><b>X</b></p> <p><b>XII</b> <sup>[1]</sup> 73:5</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <p><b>year</b> <sup>[2]</sup> 18:14 54:22 <b>years</b> <sup>[9]</sup> 4:11 7:11 15:12, 15 31:11 43:21 46:17 59: 20 63:12 <b>York</b> <sup>[1]</sup> 48:19</p>
--	---	--	---