

No. 141, Original

IN THE
SUPREME COURT OF THE UNITED STATES

◆

STATE OF TEXAS,

Plaintiff,

v.

STATE OF NEW MEXICO and
STATE OF COLORADO,

Defendants.

◆

OFFICE OF THE SPECIAL MASTER
◆

**STATE OF NEW MEXICO'S NOTICE OF CLAIM OF PRIVILEGE
FOR DOCUMENT INADVERTENTLY PRODUCED AS PART OF
RESPONSE TO THE STATE OF TEXAS'S
FIRST SET OF REQUESTS FOR PRODUCTION**

HECTOR H. BALDERAS
New Mexico Attorney General
TANIA MAESTAS
Deputy Attorney General
MARCUS J. RAEL, JR.*
Special Assistant Attorney General
STATE OF NEW MEXICO
P.O. Drawer 1508
Santa Fe, New Mexico 87501
505-239-4672
marcus@roblesrael.com
**Counsel of Record*

MARCUS J. RAEL, JR.
DAVID A. ROMAN
Special Assistant Attorneys General
ROBLES, RAEL & ANAYA, P.C.
500 Marquette Avenue NW,
Suite 700
Albuquerque, New Mexico 87102
505-242-2228

BENNET W. RALEY
LISA M. THOMPSON
MICHAEL A. KOPP
Special Assistant Attorneys General
TROUT RALEY
1120 Lincoln Street, Suite 1600
Denver, Colorado 80203
303-861-1963

PLEASE TAKE NOTICE that on February 6, 2019, the State of New Mexico (“New Mexico”) served its response to the State of Texas’s Requests for Production of Documents, Set One to the State of New Mexico. As part of its response, New Mexico produced responsive documents, Bates numbered NM_00052637 to NM_00096606.

On February 14, 2019, Texas notified New Mexico that a New Mexico document produced as responsive to the Texas Request for Production of Documents appeared to be privileged. Texas counsel confirmed that he did not review the document after recognizing the privilege markings and immediately notified New Mexico counsel.

Pursuant to the Case Management Plan at Section 7.2.3, New Mexico hereby asserts that the following document is privileged and requests that all parties sequester the document and not use or disclose the document as required in the Case Management Plan at Section 7.2.3(f) and in Federal Rule of Civil Procedure 26(b)(5)(B):

**NM_00096292 through NM_00096298, Privileged and Confidential Memorandum,
Dated September 3, 2012.**

Dated: February 19, 2018

Respectfully submitted,

/s/ Marcus J. Rael, Jr._____

HECTOR H. BALDERAS
New Mexico Attorney General
TANIA MAESTAS
Deputy Attorney General
MARCUS J. RAEL, JR.*
Special Assistant Attorney General
STATE OF NEW MEXICO
P.O. Drawer 1508
Santa Fe, New Mexico 87501
505-239-4672
marcus@roblesrael.com
**Counsel of Record*

MARCUS J. RAEL, JR.
DAVID A. ROMAN
Special Assistant Attorneys General
ROBLES, RAEL & ANAYA, P.C.
500 Marquette Avenue NW,
Suite 700
Albuquerque, New Mexico 87102
505-242-2228

BENNET W. RALEY
LISA M. THOMPSON
MICHAEL A. KOPP
Special Assistant Attorneys General
TROUT RALEY
1120 Lincoln Street, Suite 1600
Denver, Colorado 80203
303-861-1963

No. 141, Original

IN THE
SUPREME COURT OF THE UNITED STATES

◆

STATE OF TEXAS,

Plaintiff,

v.

STATE OF NEW MEXICO and
STATE OF COLORADO,

Defendants.

◆

OFFICE OF THE SPECIAL MASTER

◆

STATE OF NEW MEXICO'S CERTIFICATE OF SERVICE

◆

This is to certify that on the 19th of February, 2019, I caused a true and correct copy of the **STATE OF NEW MEXICO'S NOTICE OF CLAIM OF PRIVILEGE FOR DOCUMENT INADVERTENTLY PRODUCED AS PART OF RESPONSE TO THE STATE OF TEXAS'S FIRST SET OF REQUESTS FOR PRODUCTION** to be served by e-mail upon all counsel of record and interested parties on the Service List, attached hereto.

Respectfully submitted this 19th day of February, 2019.

/s/ Michael A. Kopp

Michael A. Kopp

Attorney

TROUT RALEY

1120 Lincoln Street, Suite 1600

Denver, Colorado 80203

(303) 861-1963

UNITED STATES

JAMES J. DUBOIS*

james.dubois@usdoj.gov

R. LEE LEININGER

(303) 844-1375

THOMAS K. SNODGRASS

Lee.leininger@usdoj.gov

U.S. DEPARTMENT OF JUSTICE

(303)844-1364

Environment & Natural Resources Division

Thomas.snodgrass@usdoj.gov

999 18th Street

(303)844-7233

South Terrace – Suite 370

Denver, Colorado 80202

Seth Allison, Paralegal

Seth.allison@usdoj.gov

(303)844-7917

NOEL J. FRANCISCO*

supremectbriefs@usdoj.gov

Solicitor General

(202)514-2217

JEFFREY H. WOOD

Acting Assistant Attorney General

ANN O'CONNELL

Assistant to the Solicitor General

U.S. DEPARTMENT OF JUSTICE

950 Pennsylvania Avenue, NW

Washington, DC 20530-0001

STEPHEN M. MACFARLANE

stephen.macfarlane@usdoj.gov

U.S. DEPARTMENT OF JUSTICE

(916) 930-2204

Environment & Natural Resources Division

501 I Street, Suite 9-700

Sacramento, CA 95814

JUDITH E. COLEMAN

Judith.coleman@usdoj.gov

U.S. DEPARTMENT OF JUSTICE

(202) 514-3553

Environment & Natural Resources Division

P.O. Box 7611

Washington, D.C. 20044-7611

STATE OF NEW MEXICO

HECTOR H. BALDERAS
New Mexico Attorney General
TANIA MAESTAS
Deputy Attorney General
STATE OF NEW MEXICO
P.O. Drawer 1508
Santa Fe, New Mexico 87501
505-239-4672
hbalderas@nmag.gov
tmnaestas@nmag.gov

MARCUS J. RAEL, JR.*
DAVID A. ROMAN
Special Assistant Attorneys General
ROBLES, RAEL & ANAYA, P.C.
500 Marquette Avenue NW,
Suite 700
Albuquerque, New Mexico 87102
505-242-2228
marcus@roblesrael.com

**Counsel of Record*

BENNET W. RALEY
LISA M. THOMPSON
MICHAEL A. KOPP
Special Assistant Attorneys General
TROUT RALEY
1120 Lincoln Street, Suite 1600
Denver, Colorado 80203
303-861-1963
braley@troutlaw.com
lthompson@troutlaw.com
mkopp@troutlaw.com

STATE OF COLORADO

CHAD M. WALLACE*
Senior Assistant Attorney General
COLORADO DEPARTMENT OF LAW
1300 Broadway
Denver, CO 80203
Tel. 720-508-6281
chad.wallace@coag.gov
Paralegal: Nan B. Edwards
nan.edwards@coag.gov

CYNTHIA H. COFFMAN
Attorney General of Colorado
KAREN M. KWON
First Assistant Attorney General
Colorado Department of Law
1300 Broadway
Denver, CO 80203
Tel. 720-508-6281
cynthia.coffman@coag.gov
karen.kwon@coag.gov

STATE OF TEXAS

STUART SOMACH*
ANDREW M. HITCHINGS
ROBERT B. HOFFMAN
FRANCIS M. "MAC"

(916) 446-7979
(916) 803- 4561 (cell)
ssomach@somachlaw.com ahitchings@somachlaw.com
rhoffman@somachlaw.com mgoldsberry@somachlaw.com

GOLDSBERRY II
THERESA C. BARFIELD
BRITTANY K. JOHNSON
SOMACH SIMMONS & DUNN, PC
500 Capital Mall, Suite 1000
Sacramento, CA 95814
Rhonda Stephenson - Secretary
Christina Garro – Paralegal
Yolanda De La Cruz - Secretary

tbarfield@somachlaw.com bjohnson@somachlaw.com

cgarro@somachlaw.com
rstephenson@somachlaw.com
ydelacruz@somachlaw.com

KEN PAXTON, Attorney General
JEFFREY C. MATEER
First Assistant Attorney General
BRANTLEY STARR
Deputy First Assistant Attorney General
JAMES E. DAVIS, Deputy
Attorney General
PRICILLA M. HUBENAK
Chief, Environmental Protection Division
P.O. Box 12548
Austin, TX 78711-2548

Priscilla.Hubnak@oag.texas.gov

AMICI / FOR INFORMATIONAL PURPOSES ONLY

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

JAMES C. BROCKMANN*
JAY F. STEIN
STEIN & BROCKMANN, P.A.
P.O. Box 2067
Santé Fe, New Mexico 87504

(505) 983-3880
jcbrockmann@newmexicowaterlaw.com
jfstein@newmexicowaterlaw.com
administrator@newmexicowaterlaw.com

PETER AUH
ALBUQUERQUE BERNALILLO COUNTY
WATER UTILITY AUTHORITY
P.O. Box 568
Albuquerque, NM 87103-0568

(505) 289-3092
pauh@abcwua.org

CITY OF EL PASO

DOUGLAS G. CAROOM*
SUSAN M. MAXWELL
BICKERSTAFF HEATH DELGADO
ACOSTA, LLP
2711 S. MoPac Expressway
Building One, Suite 300

(512) 472-8021
dcaroom@bickerstaff.com
smaxwell@bickerstaff.com

Austin, TX 78746

CITY OF LAS CRUCES

JAY F. STEIN *
JAMES C. BROCKMANN
STEIN & BROCKMANN, P.A.
P.O. Box 2067
Santé Fe, New Mexico 87504

(505) 983-3880
jcbrockmann@newmexicowaterlaw.com
jfstein@newmexicowaterlaw.com
administrator@newmexicowaterlaw.com

JENNIFER VEGA-BROWN
MARCIA B. DRIGGERS
LAW CRUCES CITY ATTORNEY'S OFFICE
P.O. Box 20000
Las Cruces, New Mexico 88004

(575) 541-2128
jvega-brown@las-cruces.org
marcyd@las-cruces.org

ELEPHANT BUTTE IRRIGATION DISTRICT

SAMANTHA R. BARNCASTLE*
BARNCASTLE LAW FIRM, LLC
1100 South Main, Ste. 20
P.O. Box 1556
Las Cruces, NM 88004
Janet Correll – Paralegal

(575) 636-2377
(575) 636-2688 (fax)
samantha@h2o-legal.com
janet@h2o-legal.com

EL PASO COUNTY WATER AND IMPROVEMENT DISTRICT

MARIA O'BRIEN*
SARAH M. STEVENSON
MODRALL, SPERLING, ROEHL, HARRIS
& SISK, PA
Suite 1000
500 Fourth Street N.W.
P.O. Box 2168
Albuquerque, New Mexico 87103-2168

(505) 848-1800 (main)
(505) 848-1803 (direct)
(505) 848-9710 (fax)
mobrien@modrall.com
sarah.stevenson@modrall.com

HUDSPETH COUNTY CONSERVATION AND RECLAMATION DISTRICT

ANDREW S. "DREW" MILLER*
KEMP SMITH LLP
816 Congress Avenue, Suite 1305
Austin, TX 78701

(512) 320-5466
dmiller@kempsmith.com

STATE OF KANSAS

TOBY CROUSE*

(785) 296-2215

Solicitor General, State of Kansas

DEREK SCHMIDT

Attorney General, State of Kansas

JEFFREY A. CHANAY

Chief Deputy Attorney General

BRYAN C. CLARK

Assistant Solicitor General

DWIGHT R. CARSWELL

Assistant Attorney General

120 S. W. 10th Ave., 2nd Floor

Topeka, KS 66612

toby.crouse@ag.ks.gov

bryan.clark@ag.ks.gov

NEW MEXICO PECAN GROWERS

TESSA T. DAVIDSON*

DAVIDSON LAW FIRM, LLC

4206 Corrales Road

P.O. Box 2240

Corrales, NM 87048

(505) 792-3636

ttd@tessadavidson.com

Patricia McCan – Paralegal

patricia@tessadavidson.com

NEW MEXICO STATE UNIVERSITY

JOHN W. UTTON*

UTTON & KERY, P.A.

P.O. Box 2386

Santa Fe, New Mexico 87504

(505) 699-1445

john@uttonkery.com

LIZBETH ELLIS

General Counsel

CLAYTON BRADLEY

Counsel

New Mexico State University

Hadley Hall Room 132

2850 Weddell Road

Las Cruces, NM 88003

(575) 646-2446

lellis@ad.nmsu.edu

bradleyc@ad.nmsu.edu