

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
—————◆—————

JOINT MEDIATION STATUS REPORT
—————◆—————

Pursuant to the January 24, 2022 Order of the Special Master [Dkt. 698], the State of Texas, the United States, the State of New Mexico, and the State of Colorado (collectively the “Parties”) submit this Joint Mediation Status Report. With regard to the status of settlement discussions and the trial schedule, the Parties state as follows:

1. Since the January 24, 2022 Status Conference, the Parties have been actively engaged in settlement discussions. The full negotiating teams met on February 8-9 and again on February 23-24, 2022.

2. In addition, the Mediator created a Technical Committee composed of expert engineers, hydrologists, and water administrators from each Party. The Technical Committee has been diligently working on technical issues both before and during negotiating sessions. The Technical Committee has been productive, but has required a significant time commitment from its members.

3. Not including meetings of the Technical Committee, the Parties have met a total of 18 days thus far. The Parties have discussed substantive, technical, and procedural issues, and all Parties have been negotiating in good faith. Additional meetings are scheduled for March 16, the week of March 21st and March 29-30, 2022.

4. The Parties are encouraged by the progress of the discussions, but the case presents complex and longstanding issues. As a result, the Parties continue to conduct technical, legal, and policy analyses in order to determine whether a mutually agreeable settlement is possible.

5. Notwithstanding the progress of the discussions, the Parties agree that a trial schedule should be set. It is not yet clear whether an agreement is achievable, and at any rate, a trial schedule will encourage the Parties to conduct the negotiations in an efficient manner.

6. In the Order of January 24, 2022, the Special Master indicated that “[i]t is anticipated that any trial will commence late summer 2022 and extend into the fall.” In order to ensure that the Parties have sufficient time to determine whether an agreement can be reached, the Parties request that trial be scheduled in mid-to-late fall rather than in August or September. The Parties hope that this will obviate the need for additional requests for extensions.

7. The Parties suggest that they submit another written status report on May 2, 2022.

8. Judge Boylan has reviewed this Joint Status Report and concurs in its contents.

WHEREFORE, the Parties jointly request that the Special Master set a trial schedule to begin in mid-to-late fall of 2022.

Respectfully submitted,

By: //s// Stuart L. Somach

Stuart L. Somach, Esq.*
Andrew M. Hitchings, Esq.
Robert B. Hoffman, Esq.
Francis M. Goldsberry II, Esq.
Theresa C. Barfield, Esq.
Sarah A. Klahn, Esq.
Brittany K. Johnson, Esq.
Richard S. Deitchman, Esq.
SOMACH SIMMONS & DUNN, PC
500 Capitol Mall, Suite 1000
Sacramento, CA 95814
Telephone: 916-446-7979
ssomach@somachlaw.com
**Counsel of Record*

Counsel for the State of Texas

By: //s// R. Lee Leininger

ELIZABETH PRELOGAR
Solicitor General
TODD KIM
Assistant Attorney General
EDWIN S. KNEEDLER
Deputy Solicitor General
FREDERICK LIU
Assistant to the Solicitor General
R. LEE LEININGER
JUDITH E. COLEMAN
JENNIFER A. NAJJAR
JEFFREY CANDRIAN
Attorneys, Environment and Natural
Resources Division
U.S. Department of Justice

Counsel for the United States

By: //s// Chad M. Wallace

PHILIP J. WEISER
Attorney General of Colorado
LAIN LEONIAK
First Assistant Attorney General
CHAD M. WALLACE*
Senior Assistant Attorney General II
PRESTON V. HARTMAN
Assistant Attorney General

Colorado Department of Law
1300 Broadway, 7th Floor
Denver, CO 80203
Telephone: 720-508-6281 (Mr. Wallace)

By: //s// Jeffrey J. Wechsler

HECTOR H. BALDERAS
New Mexico Attorney General
Deputy Attorney General
CHOLLA KHOURY
Deputy Attorney General
ZACHARY E. OGAZ
Assistant Attorney General

MARCUS J. RAEL, JR.*
LUIS ROBLES
Special Assistant Attorneys General
ROBLES RAEL & ANAYA
**Counsel of Record*

Email: chad.wallace@coag.gov
Email: preston.hartman@coag.gov
* Counsel of Record

Counsel for the State of Colorado

BENNETT W. RALEY
LISA M. THOMPSON
MICHAEL A. KOPP
Special Assistant Attorneys General
TROUT RALEY

JOHN B. DRAPER
Special Assistant Attorney General
CORINNE E. ATTON
DRAPER & DRAPER LLC

JEFFREY J. WECHSLER
Special Assistant Attorney General
SHELLY DALRYMPLE
KALEB W. BROOKS
MONTGOMERY & ANDREWS, P.A.
325 Paseo de Peralta
Santa Fe, NM 87501
505-986-2637
jwechsler@montand.com

Counsel for the State of New Mexico

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STATE OF NEW MEXICO'S CERTIFICATE OF SERVICE

This is to certify that on this 1st day of March, 2022, I caused a true and correct copy of the **JOINT MEDIATION STATUS REPORT** to be served upon all parties and *amici curiae*, by and through the attorneys of record and/or designated representatives for each party and *amicus curiae* in this original action. As permitted by order of the Special Master, and agreement among the parties, service was effected by electronic mail to those individuals listed on the attached service list, which reflects all updates and revisions through the current date.

Respectfully submitted,

Dated: March 1, 2022

/s/ Michael A. Kopp

Michael Kopp
Special Assistant Attorney General
TROUT RALEY
1120 Lincoln Street, Suite 1600
Denver, Colorado 80203
(303) 861-1963

SPECIAL MASTER

HONORABLE MICHAEL J. MELLOY

Special Master

United States Circuit Judge
111 Seventh Avenue, S.E., Box 22
Cedar Rapids, IA 52401-2101

TXvNM141@ca8.uscourts.gov
(319) 432-6080
(service via email and U.S. Mail)

MICHAEL E. GANS

Clerk of the Court

United States Court of Appeals - Eighth Circuit
Thomas F. Eagleton United States Courthouse
111 South 10th Street, Suite 24.329
St. Louis, MO 63102

TXvNM141@ca8.uscourts.gov
(314) 244-2400

UNITED STATES

ELIZABETH B. PRELOGAR*

Solicitor General

TODD KIM

Assistant Attorney General

EDWIN S KNEEDLER

Deputy Solicitor General

FREDERICK LIU

Assistant to the Solicitor General

U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

supremectbriefs@usdoj.gov
(202)514-2217

R. LEE LEININGER *

JEFFREY N. CANDRIAN

U.S. DEPARTMENT OF JUSTICE
Environment & Natural Resources Division
999 18th Street
South Terrace – Suite 370
Denver, Colorado 80202

SETH C. ALLISON, Paralegal

lee.leininger@usdoj.gov
(303) 844-1364
jeffery.candrian@usdoj.gov
(303) 844-1382

Seth.allison@usdoj.gov
(303)844-7917

JUDITH E. COLEMAN

JENNIFER A. NAJJAR

U.S. DEPARTMENT OF JUSTICE

Judith.coleman@usdoj.gov
(202) 514-3553
jennifer.najjar@usdoj.gov

Environment & Natural Resources Division
P.O. Box 7611
Washington, D.C. 20044-7611

(202) 305-0476

STATE OF NEW MEXICO

HECTOR H. BALDERAS

New Mexico Attorney General

TANIA MAESTAS

Chief Deputy Attorney General

CHOLLA KHOURY

Assistant Attorney General

ZACHARY E. OGAZ

Assistant Attorney General

STATE OF NEW MEXICO

P.O. Drawer 1508

Santa Fe, New Mexico 87501

JENNIFER VAN WIEL – Paralegal

hbaldaras@nmag.gov

tmaestas@nmag.gov

ckhoury@nmag.gov

zogaz@nmag.gov

jvanwiel@nmag.gov

(505) 239-4672

NATHANIEL CHAKERES

Deputy General Counsel

RICHARD A. ALLEN

Special Assistant Attorney General

NEW MEXICO OFFICE OF THE STATE ENGINEER

P.O. Box 25102

Santa Fe, NM 87504

nathaniel.chakeres@state.nm.us

(505)231-4459

rick.allen@state.nm.us

(505)570-7754

JONAS ARMSTRONG

NEW MEXICO INTERSTATE STREAM COMMISSION

P.O. Box 25102

Santa Fe, NM 87504

jonas.armstrong@state.nm.us

(505)470-6843

MARCUS J. RAEL, JR.*

LUIS ROBLES

Special Assistant Attorneys General

ROBLES, RAEL & ANAYA, P.C.

500 Marquette Avenue NW, Suite 700

Albuquerque, New Mexico 87102

CHELSEA SANDOVAL - Paralegal

PAULINE WAYLAND – Paralegal

BONNIE DEWITT – Paralegal

marcus@roblesrael.com

luis@roblesrael.com

chelsea@roblesrael.com

pauline@roblesrael.com

bonnie@roblesrael.com

(505) 242-2228

BENNETT W. RALEY

LISA M. THOMPSON

MICHAEL A. KOPP

Special Assistant Attorneys General

braley@troutlaw.com

lthompson@troutlaw.com

mkopp@troutlaw.com

(303) 861-1963

TROUT RALEY
1120 Lincoln Street, Suite 1600
Denver, Colorado 80203

JEFFREY WECHSLER
SHELLY L. DALRYMPLE
KALEB W. BROOKS
Special Assistant Attorneys General
MONTGOMERY & ANDREWS
325 Paseo De Peralta
Santa Fe, NM 87501
DIANA LUNA – Paralegal

jwechsler@montand.com
sdalrymple@montand.com
kwbrooks@montand.com
(505) 986-2637

dluna@montand.com

JOHN DRAPER
CORINNE ATTON
Special Assistant Attorneys General
DRAPER & DRAPER LLC
325 Paseo De Peralta
Santa Fe, NM 87501
DONNA ORMEROD – Paralegal

john.draper@draperllc.com
corinne.atton@draperllc.com
(505) 570-4591

donna.ormerod@draperllc.com

STATE OF COLORADO

PHILIP J. WEISER
Attorney General of Colorado
ERIC R. OLSON
Solicitor General
LAIN LEONIAK
Acting First Assistant Attorney General
CHAD M. WALLACE*
Senior Assistant Attorney General
PRESTON V. HARTMAN
Assistant Attorney General
COLORADO DEPARTMENT OF LAW
Ralph Carr Judicial Center
7th Floor
1300 Broadway
Denver, CO 80203
NAN EDWARDS, Paralegal II

eric.olson@coag.gov

chad.wallace@coag.gov
(720) 508-6281 (direct)
preston.hartman@coag.gov
(720) 508-6257 (direct)

nan.edwards@coag.gov

STATE OF TEXAS

STUART SOMACH*
ANDREW M. HITCHINGS
ROBERT B. HOFFMAN
FRANCIS M. GOLDSBERRY II

ssomach@somachlaw.com
ahitchings@somachlaw.com
rhoffman@somachlaw.com
mgoldsberry@somachlaw.com

THERESA C. BARFIELD
SARAH A. KLAHN
BRITTANY K. JOHNSON
RICHARD S. DEITCHMAN
SOMACH SIMMONS & DUNN, PC
500 Capital Mall, Suite 1000
Sacramento, CA 95814-2403
CORENE RODDER - Secretary
CRYSTAL RIVERA - Secretary
YOLANDA DE LA CRUZ - Paralegal

tbarfield@somachlaw.com
sklahn@somachlaw.com
bjohnson@somachlaw.com
rdeitchman@somachlaw.com
(916) 446-7979
(916) 803- 4561 (cell)
crodder@somachlaw.com
crivera@somachlaw.com
ydelacruz@somachlaw.com

KEN PAXTON
Attorney General of Texas
BRENT WEBSTER
First Assistant Attorney General
GRANT DORFMAN
Deputy First Assistant Attorney General
SHAWN COWLES
Deputy Attorney General for Civil Litigation
WILLIAM F. COLE
Assistant Solicitor General
BEAU CARTER
Assistant Solicitor General
PRISCILLA M. HUBENAK
Chief, Environmental Protection Division
OFFICE OF ATTORNEY GENERAL
OF TEXAS
P.O. Box 12548
Austin, TX 78711-2548

(512) 463-2012
(512) 457-4644 Fax

Priscilla.Hubenak@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
Administrative Copy

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

CHARLES W. KOLBERT
ALBUQUERQUE BERNALILLO COUNTY
WATER UTILITY AUTHORITY
P.O. Box 568
Albuquerque, NM 87103-0568

(505) 289-3051
ckolberg@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
Austin, TX 78746

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

CITY OF LAS CRUCES

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

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

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

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

ELEPHANT BUTTE IRRIGATION DISTRICT

SAMANTHA R. BARNCastle*
BARNCastle LAW FIRM, LLC
1100 South Main, Suite 20 (88005)
P.O. Box 1556
Las Cruces, NM 88004

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

JANET CORRELL – Paralegal

janet@h2o-legal.com

EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. 1

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

(505) 848-1803 (direct)
mobrien@modrall.com
sarah.stevenson@modrall.com

RENEA HICKS

charliep@modrall.com
rhicks@renea-hicks.com

LAW OFFICE OF MAX RENEA HICKS
P.O.Box 303187
Austin, TX 78703-0504

(512)480-8231

HUDSPETH COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 1

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

(512) 320-5466
dmiller@kempsmith.com

STATE OF KANSAS

DEREK SCHMIDT
Attorney General of Kansas
JEFFREY A. CHANAY
Chief Deputy Attorney General
TOBY CROUSE*
Solicitor General of Kansas
BRYAN C. CLARK
Assistant Solicitor General
DWIGHT R. CARSWELL
Assistant Attorney General
120 S. W. 10th Ave., 2nd Floor
Topeka, KS 66612

(785) 296-2215
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
JO HARDEN – Paralegal

ttd@tessadavidson.com
(505) 792-3636

jo@tessadavidson.com

NEW MEXICO STATE UNIVERSITY

JOHN W. UTTON*
UTTUN & KERY, P.A.
P.O. Box 2386
Santa Fe, New Mexico 87504

(505) 699-1445
john@uttonkery.com

General Counsel
New Mexico State University
Hadley Hall Room 132

gencounsel@nmsu.edu
(575) 646-2446

2850 Weddell Road
Las Cruces, NM 88003

SOUTHERN RIO GRANDE DIVERSIFIED CROP FARMERS ASSOCIATION

ARNOLD J. OLSEN*
HENNIGHAUSEN OLSEN & MCCREA, L.L.P.
P.O. Box 1415
Roswell, NM 88202-1415
Malina Kauai, Paralegal
Rochelle Bartlett, Legal Assistant

(575) 624-2463
ajolsen@h2olawyers.com

mkauai@h2olawyers.com
rbartlett@h2olawyers.com