

**No. 141, Original**

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**In the  
SUPREME COURT OF THE UNITED STATES**

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**STATE OF TEXAS,**

**Plaintiff,**

**v.**

**STATE OF NEW MEXICO and  
STATE OF COLORADO,**

**Defendants.**

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**OFFICE OF THE SPECIAL MASTER**

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**THE STATE OF TEXAS'S MARCH 1, 2019 STATUS REPORT**

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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*

March 1, 2019

COMES NOW the State of Texas (Texas) and provides the following status report to the Special Master pursuant to paragraph 5 of the Case Management Plan (CMP), as amended.

Since filing Texas's January 4, 2019 Status Report, Texas and the State of New Mexico (New Mexico) have exchanged productions of documents responsive to mutually exchanged Requests for Production. The parties have also exchanged proposed search terms for further document collection, review, and production pursuant to Federal Rule of Civil Procedure 26 (Rule 26). Texas and New Mexico intend to serve supplemental productions of documents in response to their respective first set of requests. Since producing documents on February 8, 2019, Texas has updated its eDiscovery platform and anticipates serving a supplemental production of documents on or around March 8, 2019, as well as a supplemental production under Rule 26.

Further, Texas has noticed and commenced the depositions of various representatives of El Paso County Water Improvement District No. 1 (EP1), Elephant Butte Irrigation District (EBID), the City of Las Cruces, and most recently, New Mexico's district 4 watermaster. The parties and various amici have participated in the depositions noticed by Texas. Additional depositions initiated by Texas are scheduled and/or in the process of being scheduled for March through May of 2019. Texas has prepared and exchanged a witness matrix requesting availability of the parties and the various witnesses proposed for deposition, and will be setting additional depositions once availability is coordinated and confirmed. The parties continue to discuss discovery scheduling and related matters and have resumed bi-weekly discovery conference calls to continue this effort.

In accordance with the briefing schedule outlined in the January 31, 2019 Amendment to the CMP (Second Amended CMP), the parties and *amici curiae* exchanged and submitted for filing, briefs responsive to the motions filed by New Mexico, Texas, and the United States in December 2018. The current schedule requires the parties file and serve their reply briefs by March 15, 2019.

Also in accordance with the briefing schedule outlined in the Second Amended CMP, Texas is preparing for the April 2, 2019 hearing in Denver, Colorado, and will be prepared to discuss all matters related to the discovery and trial schedule.

Dated: March 1, 2019

Respectfully submitted,

*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*

**CERTIFICATE OF SERVICE**

I certify that the State of Texas's March 1, 2019 Status Report has, on this day, been served to the Special Master by email and U.S. Mail and to all counsel of record and indicated parties by email.

Respectfully submitted this 1st day of March 2019,

*s/Stuart L. Somach*

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STUART L. SOMACH  
SOMACH SIMMONS & DUNN, PC  
500 Capitol Mall, Suite 1000  
Sacramento, CA 95814  
Telephone: 916-446-7979  
[ssomach@somachlaw.com](mailto:ssomach@somachlaw.com)

**SPECIAL MASTER**  
(Service via E-Mail and U.S. Mail)

**Honorable Michael J. Melloy**

Special Master  
United States Circuit Judge  
111 Seventh Avenue, S.E. Box 22  
Cedar Rapids, IA 52401-2101  
Tel. 319-432-6080  
[TXvNM141@ca8.uscourts.gov](mailto:TXvNM141@ca8.uscourts.gov)  
[Judge Michael Melloy@ca8.uscourts.gov](mailto:Judge Michael Melloy@ca8.uscourts.gov)

**PARTIES**  
(Service via E-Mail Only)

**STATE OF NEW MEXICO**

**Marcus J. Rael, Jr.**  
**David A. Roman**  
Special Assistant Attorneys General  
Robles, Rael & Anaya, P.C.  
500 Marquette Ave. NW, Suite 700  
Albuquerque, NM 87102  
Tel. 505-242-2228  
[marcus@roblesrael.com](mailto:marcus@roblesrael.com)  
[droman@roblesrael.com](mailto:droman@roblesrael.com)

Paralegal: Chelsea Sandoval  
[Chelsea@roblesrael.com](mailto:Chelsea@roblesrael.com)

**Bennett W. Raley**  
**Lisa M. Thompson**  
**Michael A. Kopp**  
Special Assistant Attorney General  
Trout Raley  
1120 Lincoln Street, Suite 1600  
Denver, Colorado 80302  
Tel. 303-861-1963  
[braley@troutlaw.com](mailto:braley@troutlaw.com)  
[lthompson@troutlaw.com](mailto:lthompson@troutlaw.com)  
[mkopp@troutlaw.com](mailto:mkopp@troutlaw.com)

**Hector H. Balderas**  
New Mexico Attorney General  
**Tania Maestas** (ext. 4048)  
Deputy Attorney General  
**Marcus J. Rael, Jr.\***  
Special Assistant Attorney General  
408 Galisteo Street (87501)  
P.O. Drawer 1508  
Santa Fe, New Mexico 87501  
Tel. 505-490-4060  
[hbalderas@nmag.gov](mailto:hbalderas@nmag.gov)  
[tmaestas@nmag.gov](mailto:tmaestas@nmag.gov)  
[marcus@roblesrael.com](mailto:marcus@roblesrael.com)

Tania's asst.: Patricia Salazar  
[psalazar@nmag.gov](mailto:psalazar@nmag.gov)  
Tel. (505) 490-4863 (P. Salazar)

## 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](mailto:chad.wallace@coag.gov)

Paralegal: Nan B. Edwards  
[nan.edwards@coag.gov](mailto: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](mailto:cynthia.coffman@coag.gov)  
[karen.kwon@coag.gov](mailto:karen.kwon@coag.gov)

## UNITED STATES OF AMERICA

**Noel Francisco\***  
Acting Solicitor General  
**Jeffrey H. Wood**  
Acting Assistant Attorney General  
**Ann O'Connell**  
Assistant to Solicitor General  
US Department of Justice  
950 Pennsylvania  
Avenue, Room 5614 NW  
Washington, DC 20530  
Tel. (202) 514-2217  
[supremectbriefs@usdoj.gov](mailto:supremectbriefs@usdoj.gov)

**James J. Dubois\***  
**R. Lee Leininger**  
**Thomas K. Snodgrass**  
U.S. Department of Justice  
Environment & Natural Resources Div.  
999 18<sup>th</sup> Street  
South Terrace, Ste. 370  
Denver, CO 80202  
[lee.leininger@usdoj.gov](mailto:lee.leininger@usdoj.gov)  
Tel. 303-844-1367  
[james.dubois@usdoj.gov](mailto:james.dubois@usdoj.gov)  
Tel. 303-844-1364  
[thomas.snodgrass@usdoj.gov](mailto:thomas.snodgrass@usdoj.gov)  
Tel. 303-844-7233

Paralegal: Seth C. Allison  
[Seth.allison@usdoj.gov](mailto:Seth.allison@usdoj.gov)  
Tel. 303-844-7917

Stephen M. Macfarlane  
U.S. Department of Justice  
Environment & Natural Resources Div.  
501 I Street, Suite 9-700  
Sacramento, CA 95814  
Tel. (916) 930-2204  
[stephen.macfarlane@usdoj.gov](mailto:stephen.macfarlane@usdoj.gov)

Judith E. Coleman  
U.S. Department of Justice  
Environment & Natural Resources Div.  
P. O. Box 7611  
Washington, DC 20044-7611  
Tel. (202) 514-3553  
[judith.coleman@usdoj.gov](mailto:judith.coleman@usdoj.gov)

**AMICI**  
**(Service via E-Mail Only)**

**ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY**

Jay F. Stein  
James C. Brockmann\*  
Stein & Brockmann, P.A.  
P.O. Box 2067  
Santa Fe, NM 87504  
Tel. (505) 983-3880

**Administrative Copy**  
[jfstein@newmexicowaterlaw.com](mailto:jfstein@newmexicowaterlaw.com)  
[jcbrockmann@newmexicowaterlaw.com](mailto:jcbrockmann@newmexicowaterlaw.com)  
[administrator@newmexicowaterlaw.com](mailto:administrator@newmexicowaterlaw.com)

Peter Auh  
Albuquerque Bernalillo County  
Water Utility Authority  
P.O. Box 568  
Albuquerque, NM 87103-0568  
Tel. (505) 289-3092  
[pauh@abcwua.org](mailto:pauh@abcwua.org)

**CITY OF EL PASO, TEXAS**

Douglas G. Caroom\*  
Susan M. Maxwell  
Bickerstaff Heath Delgado Acosta LLP  
3711 S. MoPac Expressway  
Building One, Suite 300  
Austin, TX 78746  
Tel. (512) 472-8021  
[dcaroom@bickerstaff.com](mailto:dcaroom@bickerstaff.com)  
[smaxwell@bickerstaff.com](mailto:smaxwell@bickerstaff.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 (87102)  
P.O. Box 2168  
Albuquerque, NM 87103-2168  
Main: (505) 848-1800  
Direct: (505) 848-1803  
Fax: (505) 848-9710  
[mobrien@modrall.com](mailto:mobrien@modrall.com)  
[sarah.stevenson@modrall.com](mailto:sarah.stevenson@modrall.com)

**HUDSPETH COUNTY CONSERVATION  
AND RECLAMATION DISTRICT NO. 1**

Andrew S. "Drew" Miller\*  
Kemp Smith LLP  
919 Congress Avenue, Suite 1305  
Austin, TX 78701  
Tel. (512) 320-5466  
[dmiller@kempsmith.com](mailto:dmiller@kempsmith.com)

**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  
Tel. (575) 636-2377  
Fax. (575) 636-2688  
[samantha@h2o-legal.com](mailto:samantha@h2o-legal.com)

Paralegal: Janet Correll  
[janet@h2o-legal.com](mailto:janet@h2o-legal.com)

**CITY OF LAS CRUCES, NM**

Jay F. Stein\*  
James C. Brockmann  
Stein & Brockmann, P.A.  
P.O. Box 2067  
Santa Fe, NM 87504  
Tel. (505) 983-3880  
**Administrative Copy**  
[jfstein@newmexicowaterlaw.com](mailto:jfstein@newmexicowaterlaw.com)  
[jcbrockmann@newmexicowaterlaw.com](mailto:jcbrockmann@newmexicowaterlaw.com)  
[administrator@newmexicowaterlaw.com](mailto:administrator@newmexicowaterlaw.com)

Jennifer Vega-Brown  
Marcia B Driggers  
City of Las Cruces  
City Attorney's Office  
P.O. Box 20000  
Las Cruces, NM 88004  
Tel. (575) 541-2128  
[jvega-brown@las-cruces.org](mailto:jvega-brown@las-cruces.org)  
[marcyd@las-cruces.org](mailto:marcyd@las-cruces.org)

**NEW MEXICO STATE UNIVERSITY**

John W. Utton\*  
Utton & Kery, P.A.  
P.O. Box 2386  
Santa Fe, NM 87504  
Tel. (505) 699-1445  
[john@uttonkery.com](mailto:john@uttonkery.com)

Lizbeth Ellis  
General Counsel  
Clayton Bradley  
Counsel  
Hadley Hall Room 132  
2850 Weddell Road  
Las Cruces, NM 88003  
Tel. (575) 646-2446  
[lellis@ad.nmsu.edu](mailto:lellis@ad.nmsu.edu)  
[bradleyc@ad.nmsu.edu](mailto:bradleyc@ad.nmsu.edu)



## NEW MEXICO PECAN GROWERS

Tessa Davidson\*  
Davidson Law Firm, LLC  
4206 Corrales Road  
P.O. Box 2240  
Corrales, New Mexico 87048  
Tel. (505) 792-3636  
[ttd@tessadavidson.com](mailto:ttd@tessadavidson.com)

Paralegal: Patricia McCan  
[patricia@tessadavidson.com](mailto:patricia@tessadavidson.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 Solicitor General  
120 S.W. 10<sup>th</sup> Ave., 2<sup>nd</sup> Floor  
Topeka, KS 66612  
Tel. (785) 296-2215  
[toby.crouse@ag.ks.gov](mailto:toby.crouse@ag.ks.gov)  
[bryan.clark@ag.ks.gov](mailto:bryan.clark@ag.ks.gov)