



SOMACH SIMMONS & DUNN
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

500 CAPITOL MALL, SUITE 1000, SACRAMENTO, CA 95814
OFFICE: 916-446-7979 FAX: 916-446-8199
SOMACHLAW.COM

May 8, 2020

Via Electronic and U.S. Mail

Special Master Michael J. Melloy
United States Courthouse
111 Seventh Avenue, S.E.
P.O. Box 22
Cedar Rapids, IA 52401
Email: Judge_Michael_Melloy@ca8.uscourts.gov

Re: *State of Texas v. State of New Mexico and State of Colorado*
United States Supreme Court, Original Jurisdiction No. 141

Dear Special Master Melloy:

The State of Texas (Texas) respectfully submits this letter in response to the May 5, 2020 Order and Amendment to the Trial Management Schedule (Order). In the Order, the Special Master asked Somach Simmons & Dunn (SSD) to file a report with the Court regarding the status of the parties' investigation and discussions concerning a video deposition service.

The Parties jointly participated in virtual deposition demonstrations this week, exchanged information, and conferred regarding video deposition services. As a result, the Parties mutually agree to utilize Worldwide Court Reporters (Worldwide) for virtual depositions. Pursuant to the Special Master's Order, Worldwide will host the upcoming May 15, 2020 status hearing via the virtual platform that the parties will utilize for depositions. Invitations with log-in instructions will be circulated to all parties, amici, and the Special Master via email.

The Parties also inquire whether the Special Master would like Worldwide to do a short presentation for the Special Master and amici to demonstrate how depositions will proceed in the virtual platform. We contemplate a demonstration similar to what the parties

Judge Michael J. Melloy

Re: *State of Texas v. State of New Mexico*, et al.

May 8, 2020

Page 2

participated in this week, but not to exceed fifteen (15) minutes. We will reach out to your Clerk early next week for direction in this regard.

Very truly yours,

s/Stuart L. Somach

Stuart L. Somach
Counsel of Record
State of Texas

TCB:cmg

cc: All counsel for parties and amici
(see attached service list)

Texas v New Mexico & Colorado docket:

TxvNM141@ca8.uscourts.gov

SERVICE LIST FOR ALL PARTIES

**In The Supreme Court of the United States, Original No. 141
STATE OF TEXAS v. STATE OF NEW MEXICO and STATE OF COLORADO**

PARTIES¹

STATE	ATTORNEY & ADDRESS	PHONE & EMAIL
Texas	<p>STUART L. SOMACH* ANDREW M. HITCHINGS ROBERT B. HOFFMAN FRANCIS M. GOLDSBERRY II THERESA C. BARFIELD SARAH A. KLAHN BRITTANY K. JOHNSON RICHARD S. DEITCHMAN SOMACH SIMMONS & DUNN, PC 500 Capitol Mall, Suite 1000 Sacramento, CA 95814-2403</p> <p>KEN PAXTON <i>Attorney General</i> JEFFREY C. MATEER <i>First Assistant Attorney General</i> DARREN L. McCARTY <i>Deputy Attorney General for Civil Litigation</i> PRISCILLA M. HUBENAK* <i>Chief, Environmental Protection Div.</i> OFFICE OF THE ATTORNEY GENERAL OF TEXAS P.O. Box 12548 Austin, TX 78711-2548</p>	<p>(916) 446-7979 ssomach@somachlaw.com ahitchings@somachlaw.com rhoffman@somachlaw.com mgoldsberry@somachlaw.com tbarfield@somachlaw.com sklahn@somachlaw.com bjohnson@somachlaw.com rdeitchman@somachlaw.com</p> <p>Secretary: Corene Rodder crodder@somachlaw.com Secretary: Crystal Rivera crivera@somachlaw.com Paralegal: Christina M. Garro cgarro@somachlaw.com Paralegal: Yolanda De La Cruz ydelacruz@somachlaw.com</p> <p>(512) 463-2012 (512) 457-4644 Fax</p> <p>priscilla.hubenak@oag.texas.gov</p>

¹ (*) = *Counsel of Record*

<p>New Mexico</p>	<p>HECTOR H. BALDERAS New Mexico Attorney General TANIA MAESTAS CHOLLA KHOURY Chief Deputy Attorney General Assistant Attorney General STATE OF NEW MEXICO P.O. Drawer 1508 Santa Fe, NM 87501 Patricia Salazar – Assistant</p> <p>MARCUS J. RAEL, JR. * LUIS ROBLES Special Assistant Attorneys General ROBLES, RAEL & ANAYA, P.C. 500 Marquette Ave. NW, Suite 700 Albuquerque, NM 87102 Chelsea Sandoval-Firm Administrator Pauline Wayland – Paralegal Bonnie DeWitt - Paralegal</p> <p>BENNET W. RALEY LISA M. THOMPSON MICHAEL A. KOPP Special Assistant Attorneys General TROUT RALEY 1120 Lincoln St., Suite 1600 Denver, CO 80203</p> <p>JEFFREY WECHSLER Special Assistant Attorney General MONTGOMERY & ANDREWS 325 Paseo De Peralta Santa Fe, NM 87501 Diana Luna - Paralegal</p> <p>JOHN DRAPER Special Assistant Attorney General DRAPER & DRAPER LLC 325 Paseo De Peralta Santa Fe, NM 87501 Donna Ormerod - Paralegal</p>	<p>hbalderas@nmag.gov tmaestas@nmag.gov ckhoury@nmag.gov psalazar@nmag.gov (505)239-4672</p> <p>marcus@roblesrael.com luis@roblesrael.com chelsea@roblesrael.com pauline@roblesrael.com bonnie@roblesrael.com (505) 242-2228</p> <p>braley@troutlaw.com lthompson@troutlaw.com mkopp@troutlaw.com (303) 861-1963</p> <p>jwechsler@montand.com dluna@montand.com (505)986-2637</p> <p>john.draper@draperllc.com donna.ormerod@draperllc.com (505)570-4591</p>

<p>Colorado</p>	<p>PHILIP J. WEISER Colorado Attorney General ERIC R. OLSON Colorado Solicitor General LAIN LEONIAK Acting First Asst. Attorney General CHAD M. WALLACE* Senior Assistant Attorney General PRESTON V. HARTMAN Assistant Attorney General</p> <p>COLORADO DEPARTMENT OF LAW Ralph Carr Judicial Center 7th Floor 1300 Broadway Denver, CO 80203 Nan Edwards – Paralegal II</p>	<p>eric.olson@coag.gov</p> <p>chad.wallace@coag.gov (720)508-6281 (direct)</p> <p>preston.hartman@coag.gov (720)508-6257 (direct)</p> <p>nan.edwards@coag.gov</p>

<p>United States</p>	<p>NOEL J. FRANCISCO * Solicitor General JEAN E. WILLIAMS Deputy Assistant Attorney General FREDERICK LIU Assistant to the Solicitor General U.S. DEPARTMENT OF JUSTICE 950 Pennsylvania Ave, NW Washington, DC 20530-0001</p> <p>JAMES J. DUBOIS* R. LEE LEININGER THOMAS K. SNODGRASS DAVID W. GEHLERT U.S. DEPT. OF JUSTICE Environment & Natural Resources Div 999 18th Street South Terrace – Suite 370 Denver, CO 80202 Seth C. Allison, Paralegal</p> <p>STEPHEN M. MACFARLANE U.S. DEPARTMENT OF JUSTICE Environment & Natural Resources Div 501 I Street, Suite 9-700 Sacramento, CA 95814 JUDITH E. COLEMAN JOHN P. TUSTIN U.S. DEPARTMENT OF JUSTICE Environment & Natural Resources Div P. O. Box 7611 Washington, DC 20044-7611</p>	<p>supremectbriefs@usdoj.gov (202) 514-2217</p> <p>james.dubois@usdoj.gov (303) 844-1375 lee.leininger@usdoj.gov (303) 844-1364 thomas.snodgrass@usdoj.gov (303)844-7233 david.gehlert@usdoj.gov (303) 844-1386 seth.allison@usdoj.gov (303)844-7917</p> <p>stephen.macfarlane@usdoj.gov (916) 930-2204</p> <p>judith.coleman@usdoj.gov (202) 514-3553 john.tustin@usdoj.gov (202)305-3022</p>

AMICI

AMICI	ATTORNEY AND ADDRESS	PHONE & EMAIL
<p>Albuquerque Bernalillo County Water Utility Authority</p>	<p>JAY F. STEIN JAMES C. BROCKMANN* STEIN & BROCKMANN, P.A. P.O. Box 2067 Santa Fe, NM 87504 Administrative Copy</p> <p>PETER AUH Albuquerque Bernalillo County Water Utility Authority P.O. Box 568 Albuquerque, NM 87103-0568</p>	<p>(505) 983-3880 jfstein@newmexicowaterlaw.com jcbrockmann@newmexicowaterlaw.com</p> <p>administrator@newmexicowaterlaw.com</p> <p>(505) 289-3092 pauh@abcwua.org</p>
<p>City of El Paso</p>	<p>DOUGLAS G. CAROOM* SUSAN M. MAXWELL BICKERSTAFF HEATH DELGADO ACOSTA LLP 3711 S. MoPac Expressway Building One, Suite 300 Austin, TX 78746</p>	<p>(512) 472-8021 dcaroom@bickerstaff.com smaxwell@bickerstaff.com</p>
<p>City of Las Cruces</p>	<p>JAY F. STEIN* JAMES C. BROCKMANN STEIN & BROCKMANN, P.A. P.O. Box 2067 Santa Fe, NM 87504 Administrative Copy</p> <p>JENNIFER VEGA-BROWN MARCIA B. DRIGGERS LAS CRUCES CITY ATTORNEY'S OFFICE P.O. Box 20000 Las Cruces, NM 88004</p>	<p>(505) 983-3880 jfstein@newmexicowaterlaw.com jcbrockmann@newmexicowaterlaw.com</p> <p>administrator@newmexicowaterlaw.com</p> <p>(575) 541-2128 jvega-brown@las-cruces.org marcyd@las-cruces.org</p>

<p>El Paso County Water Improvement District No. 1</p>	<p>MARIA O'BRIEN* SARAH STEVENSON MODRALL, SPERLING, ROEHL, HARRIS & SISK, P.A. 500 Fourth Street N.W., Suite 1000 Albuquerque, NM 87103-2168 Shannon Gifford – Legal Assistant</p> <p>RENEA HICKS LAW OFFICE OF MAX RENE HICKS P.O. Box 303187 Austin, TX 78703-0504</p>	<p>(505) 848-1803 (direct) mobrien@modrall.com sarah.stevenson@modrall.com</p> <p>shannong@modrall.com</p> <p>(512)480-8231 rhicks@renea-hicks.com</p>
<p>Elephant Butte Irrigation District</p>	<p>SAMANTHA R. BARNCASTLE* BARNCASTLE LAW FIRM, LLC 1100 South Main, Suite 20 (88005) P.O. Box 1556 Las Cruces, NM 88004 Janet Correll - Paralegal</p>	<p>(575)636-2377 Fax: (575) 636-2688 samantha@h2o-legal.com</p> <p>janet@h2o-legal.com</p>
<p>Hudspeth County Conservation and Reclamation District No. 1</p>	<p>ANDREW S. "DREW" MILLER* KEMP SMITH LLP 919 Congress Ave., Suite 1305 Austin, TX 78701</p>	<p>(512) 320-5466 dmiller@kempsmith.com</p>
<p>New Mexico Pecan Growers</p>	<p>TESSA T. DAVIDSON* DAVIDSON LAW FIRM, LLC 4206 Corrales Rd. P.O. Box 2240 Corrales, NM 87048 Jo Harden - Paralegal</p>	<p>(505) 792-3636 ttd@tessadavidson.com</p> <p>jo@tessadavidson.com</p>

New Mexico State University	JOHN W. UTTON* UTTON & KERY, P.A. P.O. Box 2386 Santa Fe, NM 87504 General Counsel Hadley Hall Room 132 2850 Weddell Road Las Cruces, NM 88003	(505) 699-1445 john@uttkery.com (575) 646-2446 gencounsel@nmsu.edu
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. 10th Ave., 2nd Floor Topeka, KS 66612	(785) 296-2215 toby.crouse@ag.ks.gov bryan.clark@ag.ks.gov

SPECIAL MASTER

Special Master	<p>Honorable Michael J. Melloy <i>Special Master</i> United States Circuit Judge 111 Seventh Avenue, S.E., Box 22 Cedar Rapids, IA 52401</p> <p>Michael E. Gans, Clerk of 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</p>	<p>(319) 432-6080 TXvNM141@ca8.uscourts.gov</p> <p>(314)244-2400 TxvNM141@ca8.uscourts.gov</p>