

No. 141, Original

IN THE SUPREME COURT OF THE UNITED STATES

STATE OF TEXAS, PLAINTIFF

v.

STATE OF NEW MEXICO AND
STATE OF COLORADO

CERTIFICATE OF SERVICE

It is hereby certified that all parties required to be served have been served with copies of the **EXCEPTION FOR THE UNITED STATES AND BRIEF FOR THE UNITED STATES IN SUPPORT OF EXCEPTION**, via email and first-class mail, postage prepaid, this 6th day of October 2023.

[See Attached Service List]

As required by Supreme Court Rule 33.1(h), I certify that the document contains **12,992** words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d). I declare under penalty of perjury that the foregoing is true and correct. Executed on **October 6, 2023**.

Elizabeth B. Prelogar
Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
(202) 514-2217

October 6, 2023

Due to the continuing delay in receiving incoming mail at the Department of Justice, in addition to mailing your brief via first-class mail, we would appreciate a fax or email copy of your brief. If that is acceptable to you, please fax your brief to Charlene Goodwin, Supervisor, Case Management, Office of the Solicitor General, at (202) 514-8844, or email at **SupremeCtBriefs@USDOJ.gov**. Ms. Goodwin's phone number is (202) 514-2217 or 2218. Thank you for your consideration of this request.

66-0141
STATE OF TEXAS
STATE OF NEW MEXICO & STATE OF COLORADO

SAMANTHA R. BARNCastle
BARNCastle LAW FIRM, LLC
1100 SOUTH MAIN
STE. 20
LAS CRUCES, NM 88005
SAMANTHA@H2O-LEGAL.COM

JAMES C. BROCKMANN
STEIN & BROCKMANN, P.A.
505 DON GASPAR AVENUE
SANTA FE, NM 87505
505-983-3880
JCBROCKMANN@NEWMEXICOWATERLAW.COM

DOUGLAS G. CAROOM
BICKERSTAFF HEATH DELGADO ACOSTA
LLP
3711 S. MOPAC EXPRESSWAY
BUILDING ONE
SUITE 300
AUSTIN, TX 78746
512-472-8021
DCAROOM@BICKERSTAFF.COM

CYNTHIA COFFMAN
ATTORNEY GENERAL
STATE SERVICES BUILDING
1525 SHERMAN STREET
7TH FLOOR
DENVER, CO 80203
303-866-5461
TERRI.CONNELL@STATE.CO.US

TOBY CROUSE
SPECIAL ASSISTANT ATTORNEY GENERAL
120 SW 10TH AVENUE
2ND FLOOR
TOPEKA, KS 66612
785-296-2215
TCROUSE@FOULSTON.COM

TESSA T. DAVIDSON
DAVIDSON LAW FIRM, LLC
4206 CORRALES ROAD
PO BOX 2240
COARRALES, NM 87048
505-792-3636

A. GREGORY GRIMSAL
GORDAN, ARATA, MONTGOMERY, BARNETT,
MCCOLLAM, DEPLANTIS & EAGAN LLC
201 ST. CHARLES AVE.
40 FLOOR
NEW ORLEANS, LA 70170-0001

STEVEN LANDEROS HERNANDEZ
PO BOX 13108
LAS CRUCES, NM 88013
SLH@LCLAW-NM.COM

RENEA HICKS
LAW OFFICE OF MAX RENE HICKS
P.O. BOX 303187
AUSTIN, TX 78703
512-480-8231
RHICKS@RENEA-HICKS.COM

LARRY KLAYMAN
KLAYMAN LAW GROUP, P.A.
2020 PENNSYLVANIA AVENUE, NW
SUITE 800
WASHINGTON, DC 20006
310-595-0800
LEKLAYMAN@GMAIL.COM

MICHAEL A. KOPP
TROUT, RALEY, MONTANO, WITWER &
FREEMAN, PC
1120 LINCOLN STREET
SUITE 1600
DENVER, CO 80203
303-861-1963
MKOPP@TROUTLAW.COM

VIA EMAIL

STEPHEN R. MCALLISTER
SOLICITOR GENERAL OF KANSAS
120 S.W. 10TH AVE.
2ND FLOOR
TOPEKA, KS 66612
785-296-2215
STEVE.MCALLISTER@TRQLAW.COM

ANDREW S. "DREW" MILLER
KEMP SMITH LLP
919 CONGRESS AVENUE
SUITE 1305
AUSTIN, TX 78701
512-320-5466
DMILLER@KEMPSMITH.COM

MARIA O'BRIEN
MODRALL, SPERLING, ROEHL, HARRIS
& SISK, P.A.
P.O. BOX 2168
ALBUQUERQUE, NM 87103-2168
505-848-1800

KEN PAXTON
ATTORNEY GENERAL OF TEXAS
OFFICE OF THE ATTORNEY GENERAL
300 W. 15TH STREET
AUSTIN, TX 78701
512-463-2100

MARCUS J. RAEL, JR
500 MARQUETTE AVENUE, NW
SUITE 700
ALBUQUERQUE, NM 87102
505-242-2228
MARCUS@ROBLESRAEL.COM

BENNET W. RALEY
STATE OF NEW MEXICO
SPECIAL ASSISTANT ATTORNEYS GENERAL
TROUT RALEY
1120 LINCOLN STREET, SUITE 1600
DENVER, CO 80302
303-861-1963

ROBERT S. SIMON
1415 PAK AVENUE, SW
ALBUQUERQUE, NM 87104
RSIMON7@AOL.COM

STUART L. SOMACH
SOMACH SIMMONS & DUNN, PC
500 CAPITOL MALL
SUITE 1000
SACRAMENTO, CA 95814
916-446-7979
SSOMACH@SOMACHLAW.COM

VIA EMAIL

JAMES M. SPEER, JR.
369 SHADOW MOUNTAIN DRIVE
APT. 121L
EL PASO, TX 79912-4042
915-534-7393
JMSPEER@HTG.NET

JAY F. STEIN
STEIN & BROCKMANN, PA
PO BOX 2067
SANTA FE, NM 87504
505-983-3880
JFSTEIN@NEWMEXICOWATERLAW.COM

RAUL TORREZ
ATTORNEY GENERAL FOR THE STATE OF
NEW MEXICO
408 GALISTEO STREET
VILLAGRA BUILDING
PO DRAWER 1508
SANTA FE, NM 87501
505-239-4672
RTORREZ@NMAG.GOV

JOHN W. UTTON
UTTON & KERY
PO BOX 2386
SANTA FE, NM 87504
505-699-1445
JOHN@UTTONKERY.COM

CHAD M. WALLACE
SENIOR ASSISTANT ATTORNEY GENERAL
COLORADO DEPARTMENT OF LAW
1300 BROADWAY
DENVER, CO 80203
720-508-6281
CHAD.WALLACE@COAG.GOV

VIA EMAIL

RODERICK E. WALSTON
BEST BEST & KRIEGER LLP
2001 N. MAIN STREET
SUITE 390
WALNUT CREEK, CA 94596
925-977-3300
RODERICK.WALSTON@BBKLAW.COM
925-977-1870(Fax)

JEFFREY J. WECHSLER
MONTGOMERY & ANDREWS
325 PASEO DE PERALTA
SANTA FE, NM 87501
505-986-2637
JWECHSLER@MONTAND.COM
505-982-4289(Fax)

VIA EMAIL