



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

October 15, 2018

Via Electronic Mail and U.S. Mail

Judge Michael J. Melloy
U.S. Court of Appeals for the Eighth Circuit
United States Courthouse
111 Seventh Avenue S.E., Box 22
Cedar Rapids, Iowa 52401-2101
Judge_Michael_Melloy@ca8.uscourts.gov
TXvNM141@ca8.uscourts.gov

Re: *State of Texas v. State of New Mexico and State of Colorado*
Supreme Court Docket No. 141 Original – Comments re October 4, 2018
Notice to Counsel re October 25, 2018 Telephonic Scheduling Conference

Dear Special Master Melloy:

Pursuant to the request articulated in the October 4, 2018 Notice to Counsel, that by close of business on October 15, 2018, the parties submit any additional issues to discuss during the October 25, 2018 Telephonic Scheduling Conference, the State of Texas (Texas) hereby proposes the following items be added to the teleconference agenda:

1. Regarding the Special Master's enumerated item number 1: The parties have thus far been unable to agree as to the division and allocation of costs associated with utilizing the VeritextVault as a central repository and therefore request the Special Master's assistance in resolving this dispute;
2. Regarding the Special Master's enumerated item number 2: In an effort to reduce the expenditure of time, resources, and expense, and pursuant to section 7.2.2 of the Case Management Plan (CMP) as revised on September 6, 2018, the parties were instructed to "attempt to develop a system of production that will make the documents searchable." To that end, the parties have agreed to share eDiscovery database "load files" which, in essence, allow the parties to import into their own respective databases, all documents produced by all other parties, which will allow the parties to search all produced documents without incurring vendor-processing costs. This agreement is memorialized in the Interim Stipulation Regarding Procedure for Use of Central Repository for Distribution and Service of Discovery, Productions of Documents and Data Responsive to Discovery,

Judge Michael J. Melloy

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executed by all parties and submitted to the Special Master on September 28, 2018. To date, the States of Colorado and New Mexico have not provided load files, and have not indicated how or when they intend to comply with the parties' agreements in this regard; and

3. Regarding the Special Master's enumerated item number 4: Texas would like to address the impact, if any, of the anticipated briefing on expert discovery.

Therefore, Texas respectfully requests that the Special Master address the aforementioned issues at the October 25, 2018 teleconference.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stuart L. Somach". The signature is fluid and cursive, written over a light blue rectangular background.

Stuart L. Somach
Counsel of Record

SLS:cmg

cc: All counsel via e-mail only (See Attached Service List)

SERVICE LIST

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
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
droman@roblesrael.com

Paralegal: Chelsea Sandoval
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
lthompson@troutlaw.com
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
tmaestas@nmag.gov
marcus@roblesrael.com

Tania's asst.: Patricia Salazar
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

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

SERVICE LIST

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

James J. Dubois*

R. Lee Leininger

Thomas K. Snodgrass

U.S. Department of Justice

Environment & Natural Resources Div.

999 18th Street

South Terrace, Ste. 370

Denver, CO 80202

lee.leininger@usdoj.gov

Tel. 303-844-1367

james.dubois@usdoj.gov

Tel. 303-844-1364

thomas.snodgrass@usdoj.gov

Tel. 303-844-7233

Paralegal: Seth C. Allison

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

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

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

jcbrockmann@newmexicowaterlaw.com

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

SERVICE LIST

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
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
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

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

Paralegal: Janet Correll
janet@h2o-legal.com

SERVICE LIST

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
jcbrockmann@newmexicowaterlaw.com
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
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

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
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

Paralegal: Patricia McCan
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. 10th Ave., 2nd Floor
Topeka, KS 66612
Tel. (785) 296-2215
toby.crouse@ag.ks.gov