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**Natural Resources and  
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November 3, 2017

A. Gregory Grimsal, Esq.  
Special Master  
Gordon, Arata, McCollam, Duplantis & Eagan, LLC  
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New Orleans, LA 71070-4000  
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RE: Texas v. New Mexico and Colorado, No. 141, Original

Dear Special Master Grimsal:

The State of Colorado has received a copy of the letter dated October 23, 2017 sent to you by Texas. Texas requested that you order the case to proceed on its complaint while the exceptions regarding the United States' complaint proceed to oral argument before the Supreme Court. Colorado's position is that the case is not ready to proceed until the Supreme Court has ruled on all issues in the First Interim Report.

Moving forward with a separate schedule for Texas now does not advance the interests of judicial economy. Instead, it may lead to multiple trial schedules and may duplicate efforts. Pleadings at this point could only deal with Texas' complaint. Therefore, discovery, motions, and trial preparations would likewise only address Texas' complaint. The parties cannot address the claims of the United States until the Supreme Court acts on the recommendations in the First Interim Report. The Texas claims themselves are based on, or informed in part by, the interests of the United States, which will be clarified after the Supreme Court rules on the exceptions. Thus, proceeding now, without the guidance of the Court, may lead to amended answers, additional or amended claims, and inefficient discovery. Moreover, if the Texas claims proceed ahead of those of the United States, it may eventually lead to either a delay in trial or multiple trials.

The nature of the proceedings before you remain unknown. The scope of Colorado's responsive pleadings also remain unknown until the Supreme Court rules on all exceptions to the First Interim Report. For example, the parties will not know whether to proceed with a case on compact obligations, Reclamation contracts, Mexico treaty obligations, or all of those issues. Further, lack of an order recommitting the case provides an indication that the Court views the resolution of Colorado's exception as important to the overall nature of the dispute.

Colorado remains committed to working with the other parties to devise an appropriate plan for case management. However, for the foregoing reasons, Colorado requests that the Special Master not conduct further proceedings until the Supreme Court has issued a ruling on all the recommendations in the First Interim Report and recommits the case.

Sincerely,

FOR THE ATTORNEY GENERAL

A handwritten signature in cursive script that reads "Chad M. Wallace". The signature is written in black ink and extends to the right with a long, thin horizontal stroke.

CHAD M. WALLACE

Senior Assistant Attorney General

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cc: Enclosed Service List