

No. 141, Original

IN THE
SUPREME COURT OF THE UNITED STATES

◆

STATE OF TEXAS,

Plaintiff,

v.

STATE OF NEW MEXICO and
STATE OF COLORADO,

Defendants.

◆

OFFICE OF THE SPECIAL MASTER

◆

**STATE OF NEW MEXICO'S
OCTOBER 5, 2018 STATUS REPORT**

HECTOR H. BALDERAS
New Mexico Attorney General
TANIA MAESTAS
Deputy Attorney General
STATE OF NEW MEXICO
P.O. Drawer 1508
Santa Fe, New Mexico 87501
505-239-4672

MARCUS J. RAEL, JR.*
DAVID A. ROMAN
Special Assistant Attorneys General
ROBLES, RAEL & ANAYA, P.C.
500 Marquette Avenue NW,
Suite 700
Albuquerque, New Mexico 87102
505-242-2228
marcus@roblesrael.com

**Counsel of Record*

BENNET W. RALEY
LISA M. THOMPSON
MICHAEL A. KOPP
Special Assistant Attorneys General
TROUT RALEY
1120 Lincoln Street, Suite 1600
Denver, Colorado 80203
303-861-1963

October 5, 2018

COMES NOW the State of New Mexico and respectfully submits this status report to the Special Master pursuant to Paragraph 5 of the Case Management Plan.

Since New Mexico filed its previous Status Report on August 3, 2018, the following developments have occurred in *Texas v. New Mexico and Colorado*, No. 141, Original. First, on August 28, 2018, the Parties appeared at a status conference before the Special Master to discuss various scheduling and case management issues. Following the status conference, on September 6, 2018, the Special Master issued a revised Case Management Plan that, among other things, established a schedule for expert disclosures and discovery.

On August 30, 2018, New Mexico served initial disclosures on the other Parties and amici providing “a description by category and location of all documents, data compilations, and tangible things in the Parties’ possession, custody, or control that are relevant to disputed facts,” CMP § 6.2.1.3, as well as a list of “each individual, state, local, or federal government agency, organization, political subdivision, or other entity likely to have discoverable information relevant to disputed facts,” CMP § 6.2.1.2.

On September 28, 2018, the Parties submitted a stipulation to the Special Master setting forth procedures for the use of the Veritext Vault. On October 1, pursuant to the order of the Special Master at the August 28, 2018 status conference that the parties disclose documents identified in their initial disclosures, New Mexico produced Bates-stamped documents by uploading them to the Veritext Vault. New Mexico continues to review documents in its possession, custody, or control to identify additional documents relevant to disputed facts and intends to make supplemental productions of further relevant documents by uploading them to the Veritext Vault.

In addition to the above developments, the parties are negotiating a stipulation or stipulations on the following subjects: creation and disclosure of indices for produced documents and the handling of electronically stored information, or ESI. The parties have agreed to hold bi-weekly conference calls to discuss these issues and other matters relating to discovery.

Respectfully submitted this 5th day of October, 2018,

HECTOR H. BALDERAS
New Mexico Attorney General
TANIA MAESTAS
Deputy Attorney General
STATE OF NEW MEXICO
P.O. Drawer 1508
Santa Fe, New Mexico 87501
505-239-4672

MARCUS J. RAEL, JR.*
DAVID A. ROMAN
Special Assistant Attorneys General
ROBLES, RAEL & ANAYA, P.C.
500 Marquette Avenue NW,
Suite 700
Albuquerque, New Mexico 87102
505-242-2228
marcus@roblesrael.com

**Counsel of Record*

BENNET W. RALEY
LISA M. THOMPSON
MICHAEL A. KOPP
Special Assistant Attorneys General
TROUT RALEY
1120 Lincoln Street, Suite 1600
Denver, Colorado 80203
303-861-1963

CERTIFICATE OF SERVICE

This is to certify that on the 5th of October, 2018, I caused true and correct copies of the **State of New Mexico October 5, 2018 Status Report** to be served by e-mail and U.S. Mail on the Special Master and by e-mail to all counsel of record and interested parties on the Service List, attached hereto.

Respectfully submitted this 5th day of October, 2018.

/s/ Michael A. Kopp _____

Michael A. Kopp
Special Assistant Attorney General
TROUT RALEY
1120 Lincoln Street, Suite 1600
Denver, Colorado 80203
(303) 861-1963

SPECIAL MASTER

HONORABLE MICHAEL J. MELLOY

Special Master

United States Circuit Judge
111 Seventh Avenue, S.E., Box 22
Cedar Rapids, IA 52401-2101

TXvNM141@ca8.uscourts.gov
(319) 432-6080
(*service via email and U.S. Mail*)

MICHAEL E. GANS, CLERK OF THE 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

(314) 244-2400
TXvNM141@ca8.uscourts.gov

UNITED STATES

JAMES J. DUBOIS*

R. LEE LEININGER

THOMAS K. SNODGRASS

U.S. DEPARTMENT OF JUSTICE
Environment & Natural Resources Division
999 18th Street
South Terrace – Suite 370
Denver, Colorado 80202
Seth Allison, Paralegal

james.dubois@usdoj.gov
(303) 844-1375
Lee.leininger@usdoj.gov
(303)844-1364
Thomas.snodgrass@usdoj.gov
(303)844-7233

NOEL J. FRANCISCO*

Solicitor General

JEFFREY H. WOOD

Acting Assistant Attorney General

ANN O'CONNELL

Assistant to the Solicitor General

U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Seth.allison@usdoj.gov
(303)844-7917
supremectbriefs@usdoj.gov
(202)514-2217

STEPHEN M. MACFARLANE

U.S. DEPARTMENT OF JUSTICE
Environment & Natural Resources Division
501 I Street, Suite 9-700
Sacramento, CA 95814

stephen.macfarlane@usdoj.gov
(916) 930-2204

JUDITH E. COLEMAN
U.S. DEPARTMENT OF JUSTICE
Environment & Natural Resources Division
P.O. Box 7611
Washington, D.C. 20044-7611

Judith.coleman@usdoj.gov
(202) 514-3553

STATE OF NEW MEXICO

HECTOR H. BALDERAS
New Mexico Attorney General
TANIA MAESTAS
Deputy Attorney General
STATE OF NEW MEXICO
P.O. Drawer 1508
Santa Fe, New Mexico 87501
505-239-4672
hbalderas@nmag.gov
tmnaestas@nmag.gov

MARCUS J. RAEL, JR.*
DAVID A. ROMAN
Special Assistant Attorneys General
ROBLES, RAEL & ANAYA, P.C.
500 Marquette Avenue NW,
Suite 700
Albuquerque, New Mexico 87102
505-242-2228
marcus@roblesrael.com

**Counsel of Record*

BENNET W. RALEY
LISA M. THOMPSON
MICHAEL A. KOPP
Special Assistant Attorneys General
TROUT RALEY
1120 Lincoln Street, Suite 1600
Denver, Colorado 80203
303-861-1963
braley@troutlaw.com
lthompson@troutlaw.com
mkopp@troutlaw.com

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

STATE OF TEXAS

STUART SOMACH* (916) 446-7979
ANDREW M. HITCHINGS (916) 803- 4561 (cell)
ROBERT B. HOFFMAN ssomach@somachlaw.com ahitchings@somachlaw.com
FRANCIS M. "MAC" rhoffman@somachlaw.com mgoldsberry@somachlaw.com
GOLDSBERRY II tbarfield@somachlaw.com bjohnson@somachlaw.com
THERESA C. BARFIELD
BRITTANY K. JOHNSON
SOMACH SIMMONS & DUNN, PC
500 Capital Mall, Suite 1000
Sacramento, CA 95814
Rhonda Stephenson - Secretary cgarro@somachlaw.com
Christina Garro – Paralegal rstephenson@somachlaw.com
Yolanda De La Cruz - Secretary ydelacruz@somachlaw.com

KEN PAXTON, Attorney General
JEFFREY C. MATEER
First Assistant Attorney General
BRANTLEY STARR
Deputy First Assistant Attorney General
JAMES E. DAVIS, Deputy
Attorney General
PRICILLA M. HUBENAK
Chief, Environmental Protection Division
P.O. Box 12548
Austin, TX 78711-2548

Priscilla.HubenaK@oag.texas.gov

AMICI / FOR INFORMATIONAL PURPOSES ONLY

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

JAMES C. BROCKMANN* (505) 983-3880
JAY F. STEIN jcbrockmann@newmexicowaterlaw.com
STEIN & BROCKMANN, P.A. jfstein@newmexicowaterlaw.com
P.O. Box 2067 administrator@newmexicowaterlaw.com
Santé Fe, New Mexico 87504

PETER AUH (505) 289-3092
ALBUQUERQUE BERNALILLO COUNTY pauh@abcwua.org
WATER UTILITY AUTHORITY
P.O. Box 568
Albuquerque, NM 87103-0568

CITY OF EL PASO

DOUGLAS G. CAROOM*
SUSAN M. MAXWELL
BICKERSTAFF HEATH DELGADO
ACOSTA, LLP
2711 S. MoPac Expressway
Building One, Suite 300
Austin, TX 78746

(512) 472-8021
dcaroom@bickerstaff.com
smaxwell@bickerstaff.com

CITY OF LAS CRUCES

JAY F. STEIN *
JAMES C. BROCKMANN
STEIN & BROCKMANN, P.A.
P.O. Box 2067
Santé Fe, New Mexico 87504

(505) 983-3880
jcbrockmann@newmexicowaterlaw.com
jfstein@newmexicowaterlaw.com
administrator@newmexicowaterlaw.com

JENNIFER VEGA-BROWN
MARCIA B. DRIGGERS
LAW CRUCES CITY ATTORNEY'S OFFICE
P.O. Box 20000
Las Cruces, New Mexico 88004

(575) 541-2128
jvega-brown@las-cruces.org
marcyd@las-cruces.org

ELEPHANT BUTTE IRRIGATION DISTRICT

SAMANTHA R. BARNCASTLE*
BARNCASTLE LAW FIRM, LLC
1100 South Main, Ste. 20
P.O. Box 1556
Las Cruces, NM 88004
Janet Correll – Paralegal

(575) 636-2377
(575) 636-2688 (fax)
samantha@h2o-legal.com

janet@h2o-legal.com

EL PASO COUNTY WATER AND IMPROVEMENT DISTRICT

MARIA O'BRIEN*
SARAH M. STEVENSON
MODRALL, SPERLING, ROEHL, HARRIS
& SISK, PA
Suite 1000
500 Fourth Street N.W.
P.O. Box 2168
Albuquerque, New Mexico 87103-2168

(505) 848-1800 (main)
(505) 848-1803 (direct)
(505) 848-9710 (fax)
mobrien@modrall.com
sarah.stevenson@modrall.com

HUDSPETH COUNTY CONSERVATION AND RECLAMATION DISTRICT

ANDREW S. “DREW” MILLER*
KEMP SMITH LLP
816 Congress Avenue, Suite 1305
Austin, TX 78701

(512) 320-5466
dmiller@kempsmith.com

STATE OF KANSAS

TOBY CROUSE*
Solicitor General, State of Kansas

(785) 296-2215
toby.crouse@ag.ks.gov

DEREK SCHMIDT
Attorney General, State of Kansas

JEFFREY A. CHANAY
Chief Deputy Attorney General

BRYAN C. CLARK
Assistant Solicitor General

DWIGHT R. CARSWELL
Assistant Attorney General
120 S. W. 10th Ave., 2nd Floor
Topeka, KS 66612

NEW MEXICO PECAN GROWERS

TESSA T. DAVIDSON*
DAVIDSON LAW FIRM, LLC
4206 Corrales Road
P.O. Box 2240
Corrales, NM 87048
(505) 792-3636

ttd@tessadavidson.com

Patricia McCan – Paralegal

patricia@tessadavidson.com

NEW MEXICO STATE UNIVERSITY

JOHN W. UTTON*
UTTUN & KERY, P.A.
P.O. Box 2386
Santa Fe, New Mexico 87504

(505) 699-1445
john@uttkery.com

LIZBETH ELLIS
General Counsel

(575) 646-2446
lellis@ad.nmsu.edu
bradleyc@ad.nmsu.edu

CLAYTON BRADLEY
Counsel
New Mexico State University
Hadley Hall Room 132

2850 Weddell Road
Las Cruces, NM 88003