

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 COLORADO'S JUNE 7, 2019 STATUS REPORT**

---

PHILIP J. WEISER  
Attorney General of Colorado  
ERIC R. OLSON  
Solicitor General  
KAREN M. KWON  
First Assistant Attorney General  
CHAD M. WALLACE\*  
Senior Assistant Attorney General

Colorado Department of Law  
1300 Broadway  
Denver, CO 80203  
Telephone: 720-508-6281  
Email: chad.wallace@coag.gov  
\*Counsel of Record

COMES NOW the State of Colorado and provides the following status report to the Special Master pursuant to the Case Management Plan.

The parties have held, and plan to continue, discussions regarding discovery protocols and scheduling. Texas has noticed and conducted several depositions to date with more currently scheduled through September 2019. The United States and Texas have made expert disclosures. Other discovery and supplemental disclosures are ongoing. The following motions, having been briefed and argued, are pending before the Special Master: motion by the United States for judgment on the pleadings against New Mexico's counterclaims 2, 3, 5, 6, 7, 8, and 9; motion by Texas for a declaration to confirm the legal issues previously decided; motion by Texas to exclude evidence; motion by Texas to strike or for partial judgment regarding New Mexico's counterclaims and affirmative defenses; and a motion by New Mexico for partial judgment on matters previously decided.

Respectfully submitted this 7<sup>th</sup> day of June 2019,

FOR THE ATTORNEY GENERAL

*/s/ Chad M. Wallace*

---

CHAD M. WALLACE  
Senior Assistant Attorney General  
Colorado Department of Law  
Telephone: (720) 508-6281  
Email: [chad.wallace@coag.gov](mailto:chad.wallace@coag.gov)

## SERVICE LIST

### SPECIAL MASTER

**SPECIAL MASTER MICHAEL J. MELLOY**

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

(319) 423-6080

[TXvNM141@ca8.uscourts.gov](mailto:TXvNM141@ca8.uscourts.gov)

**MICHAEL GANS, CLERK OF THE COURT**

United States Court of Appeals, 8<sup>th</sup> Circuit  
111 South 10<sup>th</sup> Street, Suite 24.329  
St. Louis, MO 63102

(314) 244-2400

*(service via email and mail courier)*

### UNITED STATES

**JAMES J. DUBOIS\***

**R. LEE LEININGER**

**THOMAS K. SNODGRASS**

U.S. Department of Justice  
Environment & Natural Resources Division  
999 18<sup>th</sup> Street  
South Terrace – Suite 370  
Denver, Colorado 80202

[james.dubois@usdoj.gov](mailto:james.dubois@usdoj.gov)

(303) 844-1375

[Lee.leininger@usdoj.gov](mailto:Lee.leininger@usdoj.gov)

(303)844-1364

[Thomas.snodgrass@usdoj.gov](mailto:Thomas.snodgrass@usdoj.gov)

(303)844-7233

Seth Allison, Paralegal

**NOEL J. FRANCISCO\***

*Acting Solicitor General*

**JEFFREY H. WOOD**

*Acting Assistant Attorney General*

**ANN O'CONNELL**

*Assistant to the Solicitor General*

US Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

[supremectbriefs@usdoj.gov](mailto: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](mailto:stephen.macfarlane@usdoj.gov)

(916) 930-2204

**JUDITH E. COLEMAN**

US DEPARTMENT OF JUSTICE

Environment & Natural Resources Division  
P.O. Box 7611  
Washington, D.C. 20044-7611

[Judith.coleman@usdoj.gov](mailto:Judith.coleman@usdoj.gov)

(202) 514-3553

STATE OF NEW MEXICO

**HECTOR H. BALDERAS**

*New Mexico Attorney General*  
**TANIA MAESTAS** (ext. 4048)  
*Deputy Attorney General*  
STATE OF NEW MEXICO  
P.O. Drawer 1508  
Santa Fe, New Mexico 87501

(505) 490-4060  
[hbalderas@nmag.gov](mailto:hbalderas@nmag.gov)  
[tmaestas@nmag.gov](mailto:tmaestas@nmag.gov)

**MARCUS J. RAEL, JR.\***

**DAVID A. ROMAN**  
*Special Assistant Attorney General*  
*Counsel of Record*  
ROBLES, RAEL, AND ANAYA  
500 Marguette Ave. NW, Ste. 700  
Albuquerque, NM 87102

(505) 242-2228  
[marcus@roblesrael.com](mailto:marcus@roblesrael.com)  
[droman@roblesrael.com](mailto:droman@roblesrael.com)

**BENNET W. RALEY**

**LISA M. THOMPSON**  
**MICHAEL A. KOPP**  
*Special Assistant Attorneys General*  
TROUT RALEY  
1120 Lincoln Street, Suite 1600  
Denver, CO 80203  
**Chelsea Sandoval (Paralegal)**

(303) 861-1963  
[braley@troutlaw.com](mailto:braley@troutlaw.com)  
[lthompson@troutlaw.com](mailto:lthompson@troutlaw.com)  
[mkopp@troutlaw.com](mailto:mkopp@troutlaw.com)  
  
[Chelsea@roblesrael.com](mailto:Chelsea@roblesrael.com)

STATE OF TEXAS

**STUART SOMACH\***

**ANDREW M. HITCHINGS**  
**ROBERT B. HOFFMAN**  
**FRANCIS M. "MAC" GOLDSBERRY II**  
**THERESA C. BARFIELD**  
**BRITTANY K. JOHNSON**  
SOMACH SIMMONS & DUNN, PC  
500 Capital Mall, Suite 1000  
Sacramento, CA 95814  
**Rhonda Stephenson - Secretary**  
**Christina Garro - Paralegal**  
**Yolanda De La Cruz - Secretary**

(916) 446-7979  
(916) 803- 4561 (cell)  
[ssomach@somachlaw.com](mailto:ssomach@somachlaw.com)  
[ahitchings@somachlaw.com](mailto:ahitchings@somachlaw.com)  
[rhoffman@somachlaw.com](mailto:rhoffman@somachlaw.com)  
[mgoldsberry@somachlaw.com](mailto:mgoldsberry@somachlaw.com)  
[tbarfield@somachlaw.com](mailto:tbarfield@somachlaw.com)  
[bjohnson@somachlaw.com](mailto:bjohnson@somachlaw.com)  
  
[cgarro@somachlaw.com](mailto:cgarro@somachlaw.com)  
[rstephenson@somachlaw.com](mailto:rstephenson@somachlaw.com)  
[ydelacruz@somachlaw.com](mailto: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 12584  
Austin, TX 78711-2548

(512) 463-2012

**AMICI / FOR INFORMATIONAL PURPOSES ONLY**

**ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY**

**JAMES C. BROCKMANN\***

**JAY F. STEIN**

STEIN & BROCKMANN, P.A.

505 Don Gaspar Avenue

P.O. Box 2067

Santé Fe, New Mexico 87505

(505) 983-3880

[jcbrockmann@newmexicowaterlaw.com](mailto:jcbrockmann@newmexicowaterlaw.com)

[jfstein@newmexicowaterlaw.com](mailto:jfstein@newmexicowaterlaw.com)

**PETER AUH**

ALBUQUERQUE BERNALILLO COUNTY WATER  
UTILITY AUTHORITY

P.O. Box 568

Albuquerque, NM 87103-0568

(505) 289-3092

[pauh@abcwua.org](mailto:pauh@abcwua.org)

**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](mailto:dcaroom@bickerstaff.com)

[smaxwell@bickerstaff.com](mailto:smaxwell@bickerstaff.com)

**CITY OF LAS CRUCES**

**JAY F. STEIN\***

**JAMES C. BROCKMANN**

STEIN & BROCKMANN, P.A.

P.O. Box 2067

Santa Fe, NM 87504

(505) 983-3880

[jfstein@newmexicowaterlaw.com](mailto:jfstein@newmexicowaterlaw.com)

[jcbrockmann@newmexicowaterlaw.com](mailto:jcbrockmann@newmexicowaterlaw.com)

[administrator@newmexicowaterlaw.com](mailto:administrator@newmexicowaterlaw.com)

**JENNIFER VEGA-BROWN**

**MARCIA B. DRIGGERS**

LAW CRUCES CITY ATTORNEY'S OFFICE

P.O. Box 12428

Las Cruces, New Mexico 88004

(575) 541-2128

[cityattorney@las-cruces.org](mailto:cityattorney@las-cruces.org)

[jvega-brown@las-cruces.org](mailto:jvega-brown@las-cruces.org)

[marcyd@las-cruces.org](mailto: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 88005  
**Janet Correll – Paralegal**

(575) 636-2377  
(575) 636-2688 (fax)  
[samantha@h2o-legal.com](mailto:samantha@h2o-legal.com)

[janet@h2o-legal.com](mailto:janet@h2o-legal.com)

## EL PASO COUNTY WATER AND IMPROVEMENT DISTRICT

**MARIA O'BRIEN\***  
**SARAH M. STEVENSON**  
MODRALL, SPERLING, TOEHL, HARRIS  
& SISK, PA  
500 Fourth Street N.W.  
Albuquerque, New Mexico 87103-2168

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

## HUDSPETH COUNTY CONSERVATION AND RECLAMATION DISTRICT

**ANDREW S. "DREW" MILLER\***  
KEMP SMITH LLP  
816 Congress Avenue, Suite 1260  
Austin, TX 78701

(512) 320-5466  
[dmiller@kempsmith.com](mailto:dmiller@kempsmith.com)

## NEW MEXICO PECAN GROWERS

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

[tessa@tessadavidson.com](mailto:tessa@tessadavidson.com)

**Patricia McCan – Paralegal**

[patricia@tessadavidson.com](mailto:patricia@tessadavidson.com)

**NEW MEXICO STATE UNIVERSITY**

**JOHN W. UTTON\***

UTTUN & KERY  
317 Commercial NE  
Albuquerque, New Mexico 87102

(505) 699-1445  
[john@uttonkery.com](mailto:john@uttonkery.com)

**LIZBETH ELLIS**

*General Counsel*

**CLAYTON BRADLEY**

*Counsel*

New Mexico State University  
Hadley Hall Room 132  
2850 Weddell Road  
Las Cruces, NM 88003

(575) 646-2446  
[lellis@ad.nmsu.edu](mailto:lellis@ad.nmsu.edu)  
[bradleyc@ad.nmsu.edu](mailto:bradleyc@ad.nmsu.edu)

\*Indicates Counsel of Record

I certify that the State of Colorado's June 7<sup>th</sup> 2019 Status Report has on this day been served as indicated above on all counsel of record and interested parties.

Respectfully submitted this 7<sup>th</sup> day of June 2019,

*/s/Chad M. Wallace*

CHAD M. WALLACE

Senior Assistant Attorney General

Colorado Department of Law

1300 Broadway

Denver, CO 80203

Telephone: 720-508-6281