

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 SEPTEMBER 6, 2019 STATUS REPORT

PHILIP J. WEISER
Attorney General of Colorado
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 disclosures, discovery, and scheduling. The United States and Texas have made expert disclosures. Other discovery and supplemental disclosures are ongoing. New Mexico has begun to confer about scheduling depositions of expert witnesses. 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; a motion by New Mexico for partial judgment on matters previously decided; and a motion to intervene by the Nathan Boyd Estate *et al.* New Mexico has also filed a motion to strike Texas's expert disclosures on water quality and a motion to exclude the United States' expert testimony on Ian M. Ferguson.

Respectfully submitted this 6th day of September 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

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

MICHAEL GANS, CLERK OF THE COURT

United States Court of Appeals, 8th Circuit
111 South 10th 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 18th Street
South Terrace – Suite 370
Denver, Colorado 80202

james.dubois@usdoj.gov

(303) 844-1375

Lee.leininger@usdoj.gov

(303)844-1364

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

(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

US 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 (ext. 4048)

Deputy Attorney General

STATE OF NEW MEXICO

P.O. Drawer 1508

Santa Fe, New Mexico 87501

(505) 490-4060

hbalderas@nmag.gov

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

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

lthompson@troutlaw.com

mkopp@troutlaw.com

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

SARAH A. KLAHN

BRITTANY K. JOHNSON

RICHARD S. DEITCHMAN

SOMACH SIMMONS & DUNN, PC

500 Capital Mall, Suite 1000

Sacramento, CA 95814

Rhonda Stephenson - Secretary

Christina Garro - Paralegal

Yolanda De La Cruz - Secretary

Corene Rodder - Secretary

Rena Wade - Secretary

(916) 446-7979

(916) 803- 4561 (cell)

ssomach@somachlaw.com

ahitchings@somachlaw.com

rhoffman@somachlaw.com

mgoldsberry@somachlaw.com

tbarfield@somachlaw.com

bjohnson@somachlaw.com

sklan@somachlaw.com

rdeitchman@somachlaw.com

rstephenson@somachlaw.com

cgarro@somachlaw.com

ydelacruz@somachlaw.com

crodder@somachlaw.com

rwade@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*

(512) 463-2012

PRICILLA M. HUBENAK

Chief Environmental Protection Division

P.O. Box 12584

Austin, TX 78711-2548

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

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

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

Santa Fe, NM 87504

(505) 983-3880

jfstein@newmexicowaterlaw.com

jcbrockmann@newmexicowaterlaw.com

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

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 88005
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, 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
sarah.stevenson@modrall.com

HUDSPETH COUNTY CONSERVATION AND RECLAMATION DISTRICT

ANDREW S. "DREW" MILLER*
KEMP SMITH LLP
919 Congress Avenue, Suite 1305
Austin, TX 78701

(512) 320-5466
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

Patricia McCan – Paralegal

patricia@tessadavidson.com

NEW MEXICO STATE UNIVERSITY

JOHN W. UTTON*
UTTUN & KERY
317 Commercial NE
Albuquerque, New Mexico 87102

(505) 699-1445
john@uttkery.com

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

gencounsel@nmsu.edu

SOUTHERN RIO GRANDE DIVERSIFIED CROP FARMERS ASSOCIATION

A. J. OLSEN*
HENNINGHAUSEN & OLSEN, LLP
P.O. Box 1415
Roswell, New Mexico 88202-1415

(575) 624-2463
ajolsen@h2olawyers.com

*Indicates Counsel of Record

This is to certify that on the 6th day of September, 2019, I caused a true and correct copy of the **State of Colorado's September 6th, 2019 Status Report** to be served by e-mail and mail courier upon the Special Master and Clerk of the 8th Circuit Michael Gans and upon all counsel of record and counsel for interested parties by email.

Respectfully submitted this 6th day of September 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