

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 MARCH 6, 2020 STATUS REPORT

PHILIP J. WEISER
Attorney General of Colorado
KAREN M. KWON
First Assistant Attorney General
CHAD M. WALLACE*
Senior Assistant Attorney General II

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, regular discussions regarding disclosures, discovery, and scheduling. The parties continue to take depositions of expert witnesses. To date the parties have taken approximately 46 depositions, with at least 11 depositions scheduled in the near future. Other discovery and supplemental disclosures are ongoing. The following motions, having been fully briefed, are pending before the Special Master: (1) motion by the United States for judgment on the pleadings against New Mexico's counterclaims 2, 3, 5, 6, 7, 8, and 9; (2) motion by Texas for a declaration to confirm the legal issues previously decided; (3) motion by Texas to exclude evidence; (4) motion by Texas to strike or for partial judgment regarding New Mexico's counterclaims and affirmative defenses; and (5) motion by New Mexico for partial judgment on matters previously decided. Respectfully submitted this 6th day of March 2020,

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 (319) 423-6080
United States Courthouse
111 Seventh Avenue, S.E., Box 22 TXvNM141@ca8.uscourts.gov
Cedar Rapids, IA 52401-2101

MICHAEL GANS, CLERK OF THE COURT (314) 244-2400
United States Court of Appeals, 8th Circuit
111 South 10th Street, Suite 24.329 *(service via email and mail courier)*
St. Louis, MO 63102

UNITED STATES

JAMES J. DUBOIS* james.dubois@usdoj.gov
R. LEE LEININGER (303) 844-1375
THOMAS K. SNODGRASS Lee.leininger@usdoj.gov
DAVID W. GEHLERT (303)844-1364
U.S. Department of Justice Thomas.snodgrass@usdoj.gov
Environment & Natural Resources Division (303)844-7233
999 18th Street David.gehlert@usdoj.gov
South Terrace – Suite 370 (303) 844-1386
Denver, Colorado 80202

NOEL J. FRANCISCO* Seth Allison, Paralegal
United States Solicitor General Seth.allison@usdoj.gov
(303) 844-7917

JEAN E. WILLIAMS supremectbriefs@usdoj.gov
Deputy Assistant Attorney General (202) 514-2217
FREDERICK LIU
Assistant to the Solicitor General
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

STEPHEN M. MACFARLANE stephen.macfarlane@usdoj.gov
U.S. DEPARTMENT OF JUSTICE (916) 930-2204
Environment & Natural Resources Division
501 I Street, Suite 9-700
Sacramento, CA 95814

JUDITH E. COLEMAN Judith.coleman@usdoj.gov
JOHN P. TUSTIN (202) 514-3553
US DEPARTMENT OF JUSTICE John.tustin@usdoj.gov
Environment & Natural Resources Division (202) 305-3022
P.O. Box 7611
Washington, D.C. 20044-7611

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

Patricia Salazar – Tania’s asst.

(505) 490-4060 / 490-4863 (P. Salazar)

hbalderas@nmag.gov

tmaestas@nmag.gov

psalazar@nmag.gov

MARCUS J. RAEL, JR.*

DAVID A. ROMAN

Special Assistant Attorney General

ROBLES, RAEL, AND ANAYA

500 Marguette Ave. NW, Ste. 700

Albuquerque, NM 87102

Chelsea Sandoval (Paralegal)

(505) 242-2228

marcus@roblesrael.com

droman@roblesrael.com

Chelsea@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

(303) 861-1963

braley@troutlaw.com

lthompson@troutlaw.com

mkopp@troutlaw.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

(916) 446-7979

ssomach@somachlaw.com

ahitchings@somachlaw.com

rhoffman@somachlaw.com

mgoldsberry@somachlaw.com

tbarfield@somachlaw.com

bjohnson@somachlaw.com

sklan@somachlaw.com

rdeitchman@somachlaw.com

KEN PAXTON, *Texas Attorney General*

JEFFREY C. MATEER,

First Assistant Attorney General

DARREN L. MCCARTHY

Deputy Attorney General for Civil Litigation

PRICILLA M. HUBENAK, Chief

Environmental Protection Division

P.O. Box 12584

Austin, TX 78711-2548

priscilla@hubenak@oag.texas.gov

Christina Garro – Paralegal

cgarro@somachlaw.com

Yolanda De La Cruz – Secretary

ydelacruz@somachlaw.com

Corene Rodder – Secretary

crodder@somachlaw.com

Crystal Rivera – Secretary

crivara@somachlaw.com

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
administrator@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 NO. 1

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)

mobrien@modrall.com
sarah.stevenson@modrall.com

RENEA HICKS
Law Offices of max Renea Hicks
P.O. Box 303187
Austin, TX 78703

shannong@modrall.com
Shannon Gifford, Legal Assistant
rhicks@renea-hicks.com
(512) 480-8231

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

ttd@tessadavidson.com

Jo Harden – Paralegal

jo@tessadavidson.com

NEW MEXICO STATE UNIVERSITY

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

(505) 699-1445
john@uttonkery.com

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

(575) 646-2446
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*

I certify that the State of Colorado's March 6, 2020 Status Report has on this day been served as indicated above on all counsel of record and interested parties.

Respectfully submitted this 6th day of March 2020,

/s/Chad M. Wallace

CHAD M. WALLACE
Senior Assistant Attorney General
Colorado Department of Law
1300 Broadway
Denver, CO 80203
Telephone: 720-508-6281