

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

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SOUTHERN RIO GRANDE DIVERSIFIED CROP FARMERS ASSOCIATION'S
MOTION FOR LEAVE TO PARTICIPATE AS *AMICUS CURIAE* IN SUPPORT
OF DEFENDANT STATE OF NEW MEXICO

—————◆—————
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Diversified Crop Farmers Association*

COMES NOW the Southern Rio Grande Diversified Crop Farmers Association (“SRGDCFA”), by and through its counsel of record Hennighausen Olsen & McCrea, L.L.P. (Arnold J. Olsen), and pursuant to the Case Management Plan on file herein, as amended on November 21, 2018. The SRGDCFA seeks leave of the Special Master to appear as *amicus curiae* in this matter in support of the Defendant, State of New Mexico.

The SRGDCFA has previously joined with *amicus curiae* New Mexico Pecan Growers in briefing before the Special Master. It now desires to appear as *amicus curiae* along with New Mexico Pecan Growers, City of Las Cruces, New Mexico State University, and Albuquerque Bernalillo County Water Utility Authority and to participate in the pending litigation and mediation to the extent allowed all Amici Curiae in the proceeding.

The SRGDCFA is a New Mexico non-profit corporation formed in 2009 for the purpose of protecting the water rights of diverse farmers in the Rio Grande Project. SRGDCFA works to promote and protect the interests of diversified farmers in the Southern Rio Grande Valley of New Mexico, defined to include all diversified irrigated lands in the Rio Grande Project from Caballo Dam to the Texas state line.

SRGDCFA’s mission is to obtain equitable treatment of diverse farmers surface and groundwater rights as administered by the state of New Mexico and federal agencies. Diverse farmers presently cultivate approximately 30,000 acres of open ground in the New Mexico portion of the Project and grow a variety of crops consisting primarily of chili, onions, lettuce, corn, alfalfa and cotton. The amount of land under cultivation by diverse farmers is directly influenced by the quantity of surface and groundwater available in any given year.

It is the goal of the SRGDCFA to protect the diverse crop farmers surface and groundwater rights throughout the process of development and implementation of adaptive aquifer management and the ultimate resolution of this original action. The SRGDCFA advocates for an adaptive management response to climate variability such that no open ground farmer is forced to permanently leave the industry in response to the adaptive management of surface and groundwater resources.

SRGDCFA's members have a direct stake in this controversy and through its participation will contribute to a full and fair development of all issues involved. Given the unique circumstances of the SRGDCFA members participation of SRGDCFA as amicus is appropriate.

SRGDCFA respectfully acknowledges its obligation to share in the costs associated with the storage and management of documents by Veritext as required in the Amendment to Case Management Plan.

Counsel of record for SRGDCFA has contacted counsel for all other parties and *amici*. State of New Mexico, State of Colorado, Elephant Butte Irrigation District, New Mexico Pecan Growers, City of Las Cruces, New Mexico State University, Albuquerque Bernalillo County Water Utility Authority, State of Kansas do not object to this motion. The City of El Paso takes no position on the motion. No response was given by counsel for the State of Texas, United States, and El Paso County Water Improvement District No.

1

Respectfully submitted this 9th day of December 2020 by:

/s/ A.J. Olsen

Arnold J. Olsen*

HENNIGHAUSEN OLSEN & McCREA, L.L.P.

**Counsel of Record for Amicus Curiae
Southern Rio Grande Diversified Crop
Diversified Crop Farmers Association*

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OFFICE OF THE SPECIAL MASTER



This is to certify that on December 9, 2020, I caused a true and correct copy of the **Southern Rio Grande Diversified Crop Farmers Association's Motion for Leave to Participate as *Amicus Curiae* in Support of Defendant State of New Mexico** to be served by e-mail and/or U.S. Mail, as indicated, upon the Special Master, counsel of record, and all interested parties on the Service List, attached hereto.



Respectfully submitted this 9th day of December, 2020.

/s/ A.J. Olsen

Arnold J. Olsen*

HENNIGHAUSEN OLSEN & McCREA, L.L.P.

**Counsel of Record for Amicus Curiae
Southern Rio Grande Diversified Crop
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SERVICE LIST FOR ALL PARTIES

**In The Supreme Court of the United States, Original No. 141
STATE OF TEXAS v. STATE OF NEW MEXICO and STATE OF COLORADO**

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<p>New Mexico Pecan Growers</p>	<p>TESSA T. DAVIDSON* DAVIDSON LAW FIRM, LLC 4206 Corrales Rd. P.O. Box 2240 Corrales, NM 87048 Jo Harden - Paralegal</p>	<p>(505) 792-3636 ttd@tessadavidson.com</p> <p>jo@tessadavidson.com</p>

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MEDIATOR

Mediator	Hon. Oliver W. Wanger (U.S.D.J. Ret.) WANGER JONES HELSLEY PC 265 E. River Park Circle Suite 310 Fresno, CA 93720	owanger@wjhattorneys.com dpell@wjhattorneys.com
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SPECIAL MASTER

Special Master	<p>Honorable Michael J. Melloy <i>Special Master</i> United States Circuit Judge 111 Seventh Avenue, S.E., Box 22 Cedar Rapids, IA 52401</p> <p>Michael E. Gans, Clerk of 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</p>	<p>(319) 432-6080 TXvNM141@ca8.uscourts.gov</p> <p>(314)244-2400 TXvNM141@ca8.uscourts.gov</p>
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****Updated 4/16/2018**

Corrected the spelling of Pricilla M. Hubenak to Priscilla M. Hubenak and added her e-mail address Priscilla.Hubenak@oag.texas.gov to the Service list.

****Updated 4/18/2018**

Added Toby Crouse (toby.crouse@ag.ks.gov) as the Solicitor General for the State of Kansas and removed Stephen R. McAllister.

****Updated 4/24/2018**

Added Clerk of Court information and updated Special Master e-mail address.

****Updated 11/16/18**

Added Bryan Clark's e-mail address (bryan.clark@ag.ks.gov) for the State of Kansas

****Updated 3/14/19**

Updated Attorney General of Colorado to Philip J. Weiser
Added Solicitor General Eric R. Olson (eric.olson@coag.gov) for the State of Colorado

****Update 3/19/19**

Added legal assistants Shannon Gifford (shannong@modrall.com) and Leanne Martony (leannem@modrall.com) for El Paso County Water District No. 1
Added James M. Speer, Jr., information for El Paso County Water District No. 1

****Update 5/6/19**

Added Sarah A. Klahn (sklahn@somachlaw.com), Richard S. Deitchman (rdeitchman@somachlaw.com), Rena Wade (rwade@somachlaw.com) and Corene Rodder (crodder@somachlaw.com) for State of Texas. Removed Rhonda Stephenson.

- **Update 11/6/19**
Added Lamai Howard (lamaih@modrall.com) for El Paso County Water District No. 1.
Removed Leanne Martony.
- **Update 11/21/19**
Added Jo Harden (jo@tessadavidson.com) for New Mexico Pecan Growers. Removed Patricia McCann.
- **Update 11/22/19**
Removed Lizbeth Ellis and Clayton Bradley and added General Counsel (gencounsel@nmsu.edu) email for New Mexico State University.
- **Update 1/7/20**
Added David W. Gehlert (david.gehlert@usdoj.gov) for the United States. Updated Solicitor General information. Also added John P. Tustin (john.tustin@usdoj.gov) for the United States.
- **Update 2/19/20**
Added Renea Hicks for El Paso County Water Improvement District No. 1. Removed James M. Speer and Lamai Howard.
- **Update 2/26/20**
Added Darren L. McCarty for State of Texas. Removed Brantley Starr and James Davis. Also added Crystal Rivera and removed Rena Wade.
- **Update 5/1/20**
Added Cholla Khoury, Luis Robles, Jeffrey Wechsler and John Draper for the State of New Mexico. Removed David A. Roman. Also added Bonnie DeWitt, Pauline Wayland, Diana Luna and Donna Ormerod.

Added Preston Hartman for the State of Colorado. Removed Karen Kwon.
- **Update 7/7/20**
Added mediator information - Hon. Oliver W. Wanger.
- **Update 10/1/20**
Added Susan Barela (susan@roblesrael.com) for State of New Mexico.
- **Update 10/2/20**
Added Jennifer A. Najjar and removed Stephen M. MacFarlane, Thomas Snodgrass and David W. Gehlert for the United States.