

**No. 141, Original**

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**In the  
SUPREME COURT OF THE UNITED STATES**

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**STATE OF TEXAS,**

**Plaintiff,**

**v.**

**STATE OF NEW MEXICO and  
STATE OF COLORADO**

**Defendants**

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**OFFICE OF THE SPECIAL MASTER**

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**UNITED STATES OF AMERICA'S NOTICE OF ERRATA**

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The United States submits the following errata regarding its Reply in Support of its Motion for Partial Summary Judgment, S.M. Doc. 472 (filed Feb. 5, 2021) (“Reply”).

On page 5 of the Reply, the United States stated that “New Mexico may properly require Reclamation and EBID to obtain authorization for a new point of diversion for Project deliveries according to state-law procedures.” This statement is incorrect. New Mexico state law provides that, with certain exceptions, “nothing [in the New Mexico Water Code] shall be construed as applying to or in any way affecting any federal reclamation project heretofore or hereafter constructed pursuant to the act of congress approved June 17, 1902, known as the Federal Reclamation Act, or acts amendatory thereof or supplementary thereto.” NMSA 1978 § 72-9-4. The New Mexico Supreme Court has interpreted § 72-9-4 as exempting reclamation projects from the state permitting requirement that applies to changes in point of diversion. *See City of Raton v. Vermejo Conservancy Dist.*, 678 P.2d 1170, 1174 (N.M. 1984). The United States respectfully requests that the Court and parties disregard the quoted statement.

In addition, the phrase “Adaptive Water Resources Management (‘AWRM’)” on page 26 should be corrected to “Active Water Resources Management (‘AWRM’).”

Respectfully submitted this 3rd day of March, 2021,

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**CERTIFICATE OF SERVICE**

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This is to certify that on the 3rd day of March, 2021, I caused a true and correct copy of the **UNITED STATES OF AMERICA'S NOTICE OF ERRATA** to be served via electronic mail upon those individuals listed on the Service List, attached hereto.

Respectfully submitted,

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