
**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

**RESPONSE BY NEW MEXICO *AMICI* TO THE PARTIES'
JOINT STATUS REPORT**

The New Mexico *Amici*¹ hereby respond to the Parties' Joint Status Report filed September 21, 2022.

First, the New Mexico *Amici* support the Parties' settlement efforts. Good progress has been made. New Mexico has regularly kept the New Mexico *Amici* informed. That said, we have not seen all the draft settlement documents, including critical appendices. Further, the documents we have seen are either incomplete or rough drafts. Accordingly, we have not had an opportunity

¹ New Mexico *amici* include the City of Las Cruces ("Las Cruces" or the "City"), the New Mexico Pecan Growers ("Pecan Growers"), the Southern Rio Grande Diversified Crop Farmers Association ("Row Croppers"), New Mexico State University ("NMSU"), and the Albuquerque Bernalillo County Water Utility Authority ("Water Authority").

to review and evaluate a full and complete settlement package, and the Parties have not yet been able to consider our comments and proposed edits.

New Mexico *Amici's* evaluation, comments, proposed edits and support for any potential settlement are critical because they are the real-parties-in-interest, the actual water rights owners.² The two irrigation districts and the United States convey the surface water owned by the individual farmers. Individual farmers developed and own their own groundwater rights. Domestic, commercial, municipal and industrial (DCMI) entities own and manage water rights for the vast majority of the population along the Rio Grande. Any settlement achieved by the parties will require the smooth and efficient implementation of water administration activities in New Mexico if it is to be ultimately successful in resolving the Parties' disputes. Thus, New Mexico *Amici's* involvement in settlement discussions, and their understanding and support of the settlement, cannot be understated. If the Parties determine settlement efforts should continue, New Mexico *Amici* support the extended schedule and deadlines proposed for such efforts set forth in the Joint Status Report, at the very minimum.

Second, if litigation resumes, the New Mexico *Amici* support the procedure and deadlines proposed by New Mexico set forth in the Joint Status Report. We also support an option for remote trial viewing as expressed in EP#1's Response to the Joint Status Report. The New Mexico *Amici* believe only the Parties should file trial briefs, but if the Special Master determines *Amici* are allowed to file trial briefs, it should apply to all *Amici*, not just the irrigation districts, noting in addition that certain New Mexico *Amici* are governmental entities entitled to file briefs before the full Court by S. Ct. R. 37.4.

² For more information on the New Mexico *Amici's* interests as the water rights owners, see letter dated March 16, 2021, from New Mexico *Amici* to the Special Master.

Respectfully submitted this 26th day of September 2022.

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**NEW MEXICO *AMICI'S*
CERTIFICATE OF SERVICE**

This is to certify that on the 26th day of September, I caused a true and correct copy of the *Response by New Mexico Amici to the Parties' September 21, 2022, Joint Status Report*, to be served by e-mail upon all counsel of record and interested parties on the Service List, attached hereto.

Respectfully submitted this 26th day of September 2022.

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