

**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**

---

**ELEPHANT BUTTE IRRIGATION  
DISTRICT'S REQUEST FOR  
MODIFICATION OF CASE  
MANAGEMENT ORDER NO. 4**

---

**RODERICK E. WALSTON**  
**BEST BEST & KRIEGER LLP**  
2001 N. Main Street, Suite 390  
Walnut Creek, CA 94596  
Telephone: (925) 977-3300  
Facsimile: (925) 977-1870  
[Roderick.walston@bbklaw.com](mailto:Roderick.walston@bbklaw.com)


**Steven L. Hernandez**  
Law Offices of Steven L. Hernandez  
2100 N. Main Street.  
P.O. Box 13108  
Las Cruces, NM 88013  
[slh@lclaw-nm.com](mailto:slh@lclaw-nm.com)

**Attorneys for Elephant Butte Irrigation District**  
**June 24, 2015**

The Special Master's Case Management Order No. 4 provides that Elephant Butte Irrigation District (EBID) shall be allotted thirty minutes in which to present oral argument on its motion for intervention, and that the parties opposing EBID's motion—the States of Texas and New Mexico, and the United States—shall be allotted a total of ninety minutes in which to present their oppositions to EBID's motion. EBID believes that, as a matter of fairness, it should be allowed to present a rebuttal argument of at least fifteen minutes in response to the arguments opposing EBID's motion. Therefore, EBID requests that the Special Master modify Case Management Order No. 4 by allowing EBID to present a rebuttal argument of at least fifteen minutes.

Dated: June 24, 2015

Respectfully submitted,

By:   
\_\_\_\_\_  
Roderick E. Walston  
Steven L. Hernandez  
Attorneys for Elephant Butte Irrigation  
District

## CERTIFICATE OF SERVICE

At the time of service I was over 18 years of age and not a party to this action. My business address is 2001 N. Main Street, Suite 390, Walnut Creek, California 95814. On June 24, 2015, 2015, I served the following document(s):

**ELEPHANT BUTTE IRRIGATION  
DISTRICT'S REQUEST FOR  
MODIFICATION OF CASE MANAGEMENT  
ORDER NO. 4**

- By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
  
- By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed below (specify one):
  - Deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
  
  - Placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Sacramento, California.

- By personal service.** At \_\_\_\_ a.m./p.m., I personally delivered the documents to the persons at the addresses listed below. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an Individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.
  
- By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed below. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
  
- By e-mail or electronic transmission.** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

State of New Mexico

Sarah A. Bond  
[sbond@nmag.gov](mailto:sbond@nmag.gov)  
General Counsel  
New Mexico Interstate  
Stream Commission  
Special Asst. Atty. Gen.  
State of New Mexico  
P.O. Box Drawer 1508  
Santa Fe, New Mexico 87501  
Tel. (505) 827-6010

Bennet W. Raley  
Lisa M. Thompson  
Special Asst. Atty. Gen.  
Trout, Raley, Montano  
Witwer & Freeman, P.C.  
1120 Lincoln Street, Suite 1600  
Denver, CO 80203  
Tel. (303) 861-1963  
[barley@troutlaw.com](mailto:barley@troutlaw.com)  
[lthompson@troutlaw.com](mailto:lthompson@troutlaw.com)

John B. Draper  
Special Asst. Atty. Gen.  
Draper & Draper LLC  
(505) 570-4590  
Jeffrey J. Wechsler  
Special Asst. Atty. Gen.  
Montgomery & Andrews, P.A.  
325 Paseo de Peralta  
Santa Fe, New Mexico 87501  
(505) 982-3873  
[John.draper@draperllc.com](mailto:John.draper@draperllc.com)

Donald B. Verrilli, Jr.  
Solicitor General Counsel of Record  
Robert D. Greher  
Acting Assistant Attorney General  
Edwin S. Kneedler  
Deputy Solicitor General  
Ann O'Connell  
Assistant to the Solicitor General  
Keith E. Saxe  
R. Lee Leininger  
James J. Dubois  
Stephen M. MacFarlane  
Room 5616  
950 Pennsylvania Avenue, N.W.  
Attorneys US Department of Justice  
Washington, D.C. 20530 – 0001  
[SupremeCtBriefs@usdoj.gov](mailto:SupremeCtBriefs@usdoj.gov)  
[James.dubois@usdoj.gov](mailto:James.dubois@usdoj.gov)  
[Stephen.macfarlane@usdoj.gov](mailto:Stephen.macfarlane@usdoj.gov)

United States

(202) 514-2217

Stuart L. Somach  
Elizabeth M. Spense  
Andy Hitchings  
Francis Goldsberry  
Somach Simmons & Dunn, PC  
500 Capitol Mall, Suite 1000  
Sacramento, CA 95814  
Tel. (916) 446-7979  
[ssomach@somachlaw.com](mailto:ssomach@somachlaw.com)  
[espence@somachlaw.com](mailto:espence@somachlaw.com)  
[ahitchings@somachlaw.com](mailto:ahitchings@somachlaw.com)  
[mgoldsberry@somachlaw.com](mailto:mgoldsberry@somachlaw.com)

State of Texas

Chad M. Wallace  
Karen Kwon  
Preston V. Hartman  
Senior Assistant Attorney General  
Federal & Interstate Water Unit  
Natural Resources Section  
1300 Broadway, 7th Floor  
Denver, Colorado 80203  
Telephone (720)508-6281  
[Chad.wallace@state.co.us](mailto:Chad.wallace@state.co.us)  
[Karen.kwon@state.co.us](mailto:Karen.kwon@state.co.us)  
[Preston.hartman@state.co.us](mailto:Preston.hartman@state.co.us)

State of Colorado

James M. Speer, Jr.  
Maria O'Brien  
Attorney for EPCWID  
300 East Main  
Suite 1032  
El Paso, Texas 79901  
Telephone: (915) 534-7393  
Mobile: (915) 526-3736  
Facsimile: (915) 288-3832  
[jmspeer@htg.net](mailto:jmspeer@htg.net)

El Paso County Water  
Improvement District No. 1

Maria O'Brien  
Sarah M. Stevenson  
Modrall, Sperling, Roehl, Harris &  
Sisk  
500 Fourth Street, N.W., Suite 1000  
Albuquerque, New Mexico 87103  
(505) 848-1800  
[mobrien@modrall.com](mailto:mobrien@modrall.com)  
[sstevenson@modrall.com](mailto:sstevenson@modrall.com)

El Paso County Water  
Improvement District No. 1

Steven L. Hernandez  
Law Offices of Steven L. Hernandez  
2100 N. Main Street.  
P.O. Box 13108  
Las Cruces, NM 88013  
[slh@lclaw-nm.com](mailto:slh@lclaw-nm.com)

Elephant Butte Irrigation District

Douglas G. Caroom  
Bickerstaff Heath Delgado Acosta,  
LLP  
2711 S. MoPac Expressway  
Building One, Suite 300  
Austin, TX 78746  
(512) 472-8021  
[dcaroom@bickerstaff.com](mailto:dcaroom@bickerstaff.com)

City of El Paso

Lee E. Peters  
Peters Law Firm  
P.O. Box 2796  
Las Cruces, New Mexico 88004  
(575) 526-2101  
[lep@leepeterslaw.com](mailto:lep@leepeterslaw.com)

Elephant Butte Irrigation District

Jay F. Stein  
James C. Brockmann  
Seth R. Fullerton  
Stein@Brockmann, P.A.  
P.O. Box 2067  
Santa Fe, NM 87504  
[jfstein@newmexicowaterlaw.com](mailto:jfstein@newmexicowaterlaw.com)

City of Law Cruces

Andrew S. Drew Miller  
Kemp Smith LLP  
816 Congress Avenue, Suite 1260  
Austin, TX 78701  
(512) 320-5466  
[dmiller@kempsmith.com](mailto:dmiller@kempsmith.com)

Hudspeth County Conservation  
and Reclamation District No. 1

A. Gregory Grimsal  
Special Master  
Gordon, Arata, McCollam, Duplantis  
& Eagan, LLC  
201 St. Charles Avenue, Suite 4000  
New Orleans, LA 71070-4000  
Telephone: (504) 582-1111  
Facsimile: (504) 582-1121  
Email:  
[Original.141@gordonarata.com](mailto:Original.141@gordonarata.com)

Special Master

The Honorable Susana Martinez  
Governor of the State of New Mexico  
Office of the Governor  
490 Old Santa Fe Trail, Room 400  
Santa Fe, New Mexico 87501  
(505) 476-2200

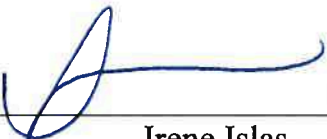
**By First Class Mail**

The Honorable Rick Perry  
Governor of the State of Texas  
Office of the Governor  
P.O. Box 12428  
Austin, TX 78722-2428  
(512) 463-3000

**By First Class Mail**

I declare under penalty of perjury under the laws of the State  
of California that the above is true and correct.

Executed on June 24, 2015, Walnut Creek, California.

  
\_\_\_\_\_  
Irene Islas