

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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**DECLARATION OF TEXAS RIO GRANDE COMPACT COMMISSIONER  
ENGINEER ADVISER SUE ELLYN “SUZY” SUMMERS VALENTINE, P.E.,  
C.F.M., IN SUPPORT OF JOINT REPLY OF THE STATE OF TEXAS,  
STATE OF NEW MEXICO, AND STATE OF COLORADO TO ENTER  
CONSENT DECREE SUPPORTING THE RIO GRANDE COMPACT**

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*\*Counsel of Record*

February 3, 2023

I, Sue Ellyn “Suzy” Summers Valentine, upon personal knowledge, declares and states as follows:

1. I am the Texas Engineer Adviser (EA) to the Rio Grande Compact Commission (“Commission”). I have been in this position since 2019. Prior to my work as the EA to the Commission, starting in 2012, I served as EA for the other four Texas river compacts including the Pecos, Canadian, Red, and Sabine river basins. Before beginning my tenure as the Texas’ river compacts EA, starting in 2010, I worked as a senior engineer in the Water Availability Division at the Texas Commission on Environmental Quality. Prior to this, I was a water resources engineer, program manager and division manager for over 20 years with the environmental consulting firm, PBS&J (previously Espey, Huston & Associates, Inc.). I also managed the Water Resources and Floodplain Management Section for the Lower Colorado River Authority for about five years.
2. I earned a Bachelor of Fine Arts degree in Graphic Design from Southern Methodist University in 1971.
3. In 1984, I earned a Bachelor of Engineering Science degree in Water Resources with Honors from The University of Texas at Austin.
4. I have been licensed as a Professional Engineer in the State of Texas since 1991.
5. As the Texas EA for the Commission, my roles and responsibilities include:
  - a. Technical assistance and support to the Commissioner for:
    - i. Monitoring water deliveries, reservoir levels and water rights for Compact compliance;
    - ii. Conducting complex accounting for the required water deliveries from/to other states; and

- iii. Providing advice and support on technical and engineering activities and projects sponsored by the Commission.
- b. Administrative assistance and support for the Commission, including:
  - i. Preparing reports and information in preparation for meetings;
  - ii. Preparing and tracking the annual Commission budgets;
  - iii. Responding to legislative and public information requests;
  - iv. Attending Commission annual meetings for and/or with the Commissioner;
  - v. Preparing memos concerning meeting actions and information;
  - vi. Drafting letters as needed for the Commissioner;
  - vii. Communications with other member states, state and federal agencies, and stakeholders;
  - viii. Preparing and distributing Commission reports, information, and resolutions;
  - ix. Maintaining Commission documentation, data, and permanent files; and
  - x. Organizing and preparing materials for meetings when hosted by Texas.
- 6. My involvement with Texas v. New Mexico, Original No. 141, began in 2013 with assistance to the previous Texas EA for the Commission. I became more involved in January of 2019 when I accepted the position of EA for the Commission, and I began assisting in settlement negotiations on behalf of the State of Texas in June of 2019.
- 7. I am familiar with the operation of the Rio Grande Project insofar as the Project operations and accounting are important to my role as EA.

8. I am familiar with the States' Consent Decree, submitted to this Court on November 14, 2022, particularly as it relates to the roles that the Compacting states' EAs will play in reporting compliance with the Consent Decree to the Commission.
9. The EAs currently receive Rio Grande Project accounting information from the United States Bureau of Reclamation (Reclamation) at the annual EA meetings each March.
10. Prior to these meetings with my fellow EAs, I monitor the status of the annual Compact Accounting with an in-house accounting spreadsheet using information provided upon request from Reclamation.
11. The EAs then meet in person (virtually when necessary) on several occasions prior to the annual Compact Commission meeting, which is usually scheduled for April.
12. One of the main purposes of our EA meetings is to develop a report for the Commission which includes the watershed conditions, concerns raised by the Commission and individual commissioners, Compact Accounting, and activities that were reported by the federal agencies working in the Rio Grande Basin for the previous year. When possible, we develop a report that unanimously reflects our views on the watershed conditions and the Commission's concerns; however, when we have a disagreement, that is reflected in the report. In 2011, the EAs disagreed on the Compact Accounting, and since that time, each EA has provided an addendum to the EA Report describing their State's position.
13. If the Consent Decree is entered by the Supreme Court, the roles and responsibilities of the EAs will not change dramatically, but they will include additional accounting analyses and reporting.
  - a. When Reclamation presents their previous calendar-year report and Project accounting, they are also to provide the data required for calculating the initial

Effective El Paso Index (EEPI) accounting for the prior year, generally following the “Schedule for Review and Approval of Rio Grande Compact Accounting Records for the Previous Year,” which was approved by the Compact Commission in March of 2016. This schedule is a directive to the agencies that participate in Compact Accounting that specifies the types of data that must be provided to the Commission and the deadlines therefore.

- b. The data required for calculating the EEPI is described in the Consent Decree in Appendix 1, paragraph 6.
  - c. The additional EEPI accounting information will be used to evaluate if New Mexico is achieving the Index targets to deliver Texas’s apportionment, and whether the EEPI accounting reflects negative or positive departures.
  - d. The resulting Index Accounting tables will be included in the annual EA Report to the Commission along with the current Compact accounting tables.
14. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 3rd day of February, 2023, at Austin, Texas.



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Sue Ellyn “Suzy” Summers Valentine