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January 20, 2023

Via Email: Michael_melloy@ca8.uscourts.gov
(with copies via email to those on attached service list)

Honorable Michael J. Melloy
Special Master
United States Circuit Judge
111 Seventh Ave., S.E. Box 22
Cedar Rapids, IA 52401

Re: *State of Texas v. State of New Mexico and State of Colorado*,
United States Supreme Court, Docket No. 141 Original

Dear Judge Melloy:

Undersigned counsel for *Amicus Curiae* Hudspeth County Conservation and Reclamation District No. 1 ("HCCRD") respectfully submits this letter to Your Honor on behalf of HCCRD for the purpose of providing a brief comment on the motion of the compacting states to approve settlement agreement and enter consent decree in this matter.

HCCRD is a conservation and reclamation district of the State of Texas established under Article XVI, § 59 of the Texas Constitution. Although HCCRD has a significant interest in the outcome of this litigation, it is a small district with limited funds and has kept a low profile. HCCRD has submitted: two amicus briefs to the United States Supreme Court in connection with this action (one on March 11, 2013, in support of the motion of the State of Texas for leave to file complaint, and the other on June 16, 2014, in opposition to the State of New Mexico's motion to dismiss); a letter to Your Honor, dated April 3, 2019, concerning the nature of its interests related to this action; and a letter to Your Honor, dated August 26, 2021, in support of a motion for continuance filed by the State of Texas.

Currently pending before Your Honor is the joint motion of the compacting states to approve settlement and enter a consent decree in this matter. HCCRD welcomes the possibility that litigation may be close to concluding. However, that said, HCCRD takes no position on the motion before you to approve settlement and enter consent decree.

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Respectfully submitted,

KEMP SMITH LLP

By: 
Andrew S. "Drew" Miller

**Counsel of Record for Hudspeth County
Conservation and Reclamation District
No. 1**

Attachment – Service List

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**

PARTIES¹

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SPECIAL MASTER

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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.
- **Update 12/14/20**
Added Zachary E. Ogaz (zogaz@nmag.gov) for State of New Mexico.
- **Update 1/26/21**
Added Southern Rio Grande Diversified Crop Farmers Association information.
- **Update 2/1/21**
Added Robert Cabello and removed Marcia Driggers for City of Las Cruces.
- **Update 2/23/21**
Updated Solicitor General information and removed John P. Tustin for the United States.
- **Update 7/1/21**
Added Charlie Padilla (CharlieP@modrall.com) and removed Shannon Gifford for EPCWID.
- **Update 7/21/21**
Updated Attorney General/Solicitor General information and removed Christina Garro for State of Texas.
- **Update 8/27/21**
Updated Solicitor General information for the United States.
- **Update 9/16/21**
Updated ABCWUA information, substituting Charles W. Kolberg for Peter Auh.
- **Update 9/28/21**
Updated New Mexico information, adding Shelly Dalrymple, Kaleb Brooks, Corinne Atton and Jennifer Van Wiel.
- **Update 11/2/21**
Updated United States information, adding Elizabeth Prelogar and removing Brian Fletcher. Removed Mediator information.
- **Update 1/3/22**
Updated United States information, adding Jeffrey Candrian and removing James Dubois.

****Update 1/12/22**

Updated New Mexico information, adding Nathaniel Chakeres, Richard Allen and Jonas Armstrong; removing Susan Barela and Patricia Salazar.

Updated New Mexico State University information; updating John Utton's address.

****Update 12/16/22**

Updated New Mexico information, adding Christopher Shaw and Michele Del Valle; removing Jonas Armstrong and Jennifer Van Wiel.