

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.



**On Motion Of The Nathan Boyd Estate Et Al.
For Leave To Intervene As Plaintiffs**



STATE OF COLORADO'S BRIEF IN RESPONSE



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The State of Colorado opposes the motion for leave to intervene as plaintiff filed by the Nathan Boyd Estate and James Boyd, Oscar V. Butler, Rose Marie Arispe Butler, Margie Garcia, Sammie Singh, and Sammie Holguin Singh, Jr.

This matter is an original action brought by Texas against New Mexico alleging interference with the Río Grande Compact, ch. 155, 53 Stat. 785 (1939); Colo. Rev. Stat. §37-66-101 (“Compact”). The Compact apportions the waters of the Río Grande above Fort Quitman, Texas among Colorado, New Mexico, and Texas. *Id.* The Court permitted the United States to bring a claim under the Compact to protect its distinctively federal interests. *Texas v. New Mexico*, 138 S. Ct. 954 (2018). The Nathan Boyd Estate and other movants have shown no separate interest in the apportionment made by the Compact among the States or other compelling interest to justify their intervention in this action. *New Jersey v. New York*, 345 U.S. 369, 373 (1953). Therefore, the Court should deny the motion to intervene.

Respectfully submitted,

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AFFIDAVIT OF SERVICE

I, Andrew Cockle, of lawful age, being duly sworn, upon my oath state that I did, on the 19th day of April, 2019, send out from Omaha, NE 14 package(s) containing * copies of the STATE OF COLORADO'S BRIEF IN RESPONSE in the above entitled case. All parties required to be served have been served by Priority Mail. Packages were plainly addressed to the following:

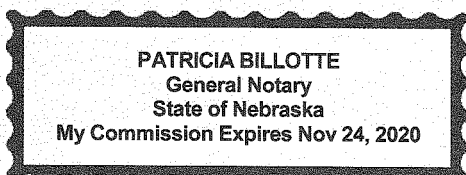
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To be filed for:

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Subscribed and sworn to before me this 19th day of April, 2019.
I am duly authorized under the laws of the State of Nebraska to administer oaths.



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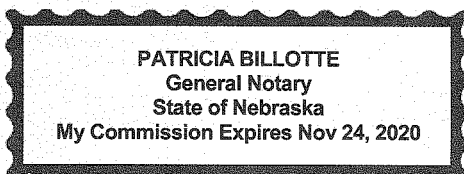
v.

STATE OF NEW MEXICO
and STATE OF COLORADO,
Defendants.

CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rule 33.1(h), I certify that the STATE OF COLORADO'S BRIEF IN RESPONSE in the above entitled case complies with the typeface requirement of Supreme Court Rule 33.1(b), being prepared in New Century Schoolbook 12 point for the text and 10 point for the footnotes, and this brief contains 202 words, excluding the parts that are exempted by Supreme Court Rule 33.1(d), as needed.

Subscribed and sworn to before me this 19th day of April, 2019.
I am duly authorized under the laws of the State of Nebraska to administer oaths.



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Notary Public

Andrew H. Cockle

Affiant