

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**  
◆

**STATE OF NEW MEXICO  
AUGUST 3, 2018 STATUS REPORT**  
◆

HECTOR H. BALDERAS  
New Mexico Attorney General  
TANIA MAESTAS  
Deputy Attorney General  
STATE OF NEW MEXICO  
P.O. Drawer 1508  
Santa Fe, New Mexico 87501  
505-239-4672

MARCUS J. RAEL, JR.\*  
DAVID A. ROMAN  
Special Assistant Attorneys General  
ROBLES, RAEL & ANAYA, P.C.  
500 Marquette Avenue NW,  
Suite 700  
Albuquerque, New Mexico 87102  
505-242-2228  
[marcus@roblesrael.com](mailto:marcus@roblesrael.com)

*\*Counsel of Record*

BENNET W. RALEY  
LISA M. THOMPSON  
MICHAEL A. KOPP  
Special Assistant Attorneys General  
TROUT RALEY  
1120 Lincoln Street, Suite 1600  
Denver, Colorado 80203  
303-861-1963

August 3, 2018

COMES NOW the State of New Mexico and respectfully submits this status report to the Special Master pursuant to Paragraph 5 of the Case Management Plan.

The State of Texas and the United States submitted their answers to the Counterclaims of the State of New Mexico on July 20, 2018. New Mexico is working on preparing its initial disclosures, pursuant to the Case Management Plan. New Mexico is also preparing initial discovery requests.

Dated: August 3, 2018

Respectfully submitted,

HECTOR H. BALDERAS  
New Mexico Attorney General  
TANIA MAESTAS  
Deputy Attorney General  
STATE OF NEW MEXICO  
P.O. Drawer 1508  
Santa Fe, New Mexico 87501  
505-239-4672

MARCUS J. RAEL, JR.\*  
DAVID A. ROMAN  
Special Assistant Attorneys General  
ROBLES, RAEL & ANAYA, P.C.  
500 Marquette Avenue NW,  
Suite 700  
Albuquerque, New Mexico 87102  
505-242-2228  
[marcus@roblesrael.com](mailto:marcus@roblesrael.com)

*\*Counsel of Record*

BENNET W. RALEY  
LISA M. THOMPSON  
MICHAEL A. KOPP  
Special Assistant Attorneys General  
TROUT RALEY  
1120 Lincoln Street, Suite 1600  
Denver, Colorado 80203  
303-861-1963

**CERTIFICATE OF SERVICE**

This is to certify that on the 3<sup>rd</sup> of August, 2018, I caused true and correct copies of the **State of New Mexico August 3, 2018 Status Report** to be served by e-mail and U.S. Mail on the Special Master and by e-mail to all counsel of record and interested parties on the Service List, attached hereto.

HECTOR H. BALDERAS  
New Mexico Attorney General  
TANIA MAESTAS  
Deputy Attorney General  
STATE OF NEW MEXICO  
P.O. Drawer 1508  
Santa Fe, New Mexico 87501  
505-239-4672

MARCUS J. RAEL, JR.\*  
DAVID A. ROMAN  
Special Assistant Attorneys General  
ROBLES, RAEL & ANAYA, P.C.  
500 Marquette Avenue NW,  
Suite 700  
Albuquerque, New Mexico 87102  
505-242-2228  
[marcus@roblesrael.com](mailto:marcus@roblesrael.com)

*\*Counsel of Record*

BENNET W. RALEY  
LISA M. THOMPSON  
MICHAEL A. KOPP  
Special Assistant Attorneys General  
TROUT RALEY  
1120 Lincoln Street, Suite 1600  
Denver, Colorado 80203  
303-861-1963

**SPECIAL MASTER**

**HONORABLE MICHAEL J. MELLOY**

*Special Master*

United States Circuit Judge  
111 Seventh Avenue, S.E., Box 22  
Cedar Rapids, IA 52401-2101

[TXvNM141@ca8.uscourts.gov](mailto:TXvNM141@ca8.uscourts.gov)  
(319) 432-6080  
(service via email and U.S. Mail)

**MICHAEL E. GANS, CLERK OF THE COURT**

United States Court of Appeals  
- Eighth Circuit  
Thomas F. Eagleton United  
States Courthouse  
111 South 10th Street, Suite 24.329  
St. Louis, MO 63102

(314) 244-2400  
[TXvNM141@ca8.uscourts.gov](mailto:TXvNM141@ca8.uscourts.gov)

**UNITED STATES**

**JAMES J. DUBOIS\***

**R. LEE LEININGER**

**THOMAS K. SNODGRASS**

U.S. DEPARTMENT OF JUSTICE  
Environment & Natural Resources Division  
999 18th Street  
South Terrace – Suite 370  
Denver, Colorado 80202  
**Seth Allison, Paralegal**

[james.dubois@usdoj.gov](mailto:james.dubois@usdoj.gov)  
(303) 844-1375  
[Lee.leininger@usdoj.gov](mailto:Lee.leininger@usdoj.gov)  
(303)844-1364  
[Thomas.snodgrass@usdoj.gov](mailto:Thomas.snodgrass@usdoj.gov)  
(303)844-7233

**NOEL J. FRANCISCO\***

*Solicitor General*

**JEFFREY H. WOOD**

*Acting Assistant Attorney General*

**ANN O'CONNELL**

*Assistant to the Solicitor General*

U.S. DEPARTMENT OF JUSTICE  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

[Seth.allison@usdoj.gov](mailto:Seth.allison@usdoj.gov)  
(303)844-7917  
[supremectbriefs@usdoj.gov](mailto:supremectbriefs@usdoj.gov)  
(202)514-2217

**STEPHEN M. MACFARLANE**

U.S. DEPARTMENT OF JUSTICE  
Environment & Natural Resources Division  
501 I Street, Suite 9-700  
Sacramento, CA 95814

[stephen.macfarlane@usdoj.gov](mailto:stephen.macfarlane@usdoj.gov)  
(916) 930-2204

**JUDITH E. COLEMAN**  
U.S. DEPARTMENT OF JUSTICE  
Environment & Natural Resources Division  
P.O. Box 7611  
Washington, D.C. 20044-7611

[Judith.coleman@usdoj.gov](mailto:Judith.coleman@usdoj.gov)  
(202) 514-3553

## STATE OF COLORADO

**Chad M. Wallace\***  
Senior Assistant Attorney General  
Colorado Department of Law  
1300 Broadway  
Denver, CO 80203  
Tel. 720-508-6281  
[chad.wallace@coag.gov](mailto:chad.wallace@coag.gov)  
Paralegal: Nan B. Edwards  
[nan.edwards@coag.gov](mailto:nan.edwards@coag.gov)

**Cynthia H. Coffman**  
Attorney General of Colorado  
**Karen M. Kwon**  
First Assistant Attorney General  
Colorado Department of Law  
1300 Broadway  
Denver, CO 80203  
Tel. 720-508-6281  
[cynthia.coffman@coag.gov](mailto:cynthia.coffman@coag.gov)  
[karen.kwon@coag.gov](mailto:karen.kwon@coag.gov)

## STATE OF TEXAS

**STUART SOMACH\***  
**ANDREW M. HITCHINGS**  
**ROBERT B. HOFFMAN**  
**FRANCIS M. "MAC"**  
**GOLDSBERRY II**  
**THERESA C. BARFIELD**  
**BRITTANY K. JOHNSON**  
SOMACH SIMMONS & DUNN, PC  
500 Capital Mall, Suite 1000  
Sacramento, CA 95814  
**Rhonda Stephenson - Secretary**  
**Christina Garro – Paralegal**  
**Yolanda De La Cruz - Secretary**

(916) 446-7979  
(916) 803- 4561 (cell)  
[ssomach@somachlaw.com](mailto:ssomach@somachlaw.com) [ahitchings@somachlaw.com](mailto:ahitchings@somachlaw.com)  
[rhoffman@somachlaw.com](mailto:rhoffman@somachlaw.com) [mgoldsberry@somachlaw.com](mailto:mgoldsberry@somachlaw.com)  
[tbarfield@somachlaw.com](mailto:tbarfield@somachlaw.com) [bjohnson@somachlaw.com](mailto:bjohnson@somachlaw.com)

[cgarro@somachlaw.com](mailto:cgarro@somachlaw.com)  
[rstephenson@somachlaw.com](mailto:rstephenson@somachlaw.com)  
[ydelacruz@somachlaw.com](mailto:ydelacruz@somachlaw.com)

**KEN PAXTON**, Attorney General  
**JEFFREY C. MATEER**  
First Assistant Attorney General  
**BRANTLEY STARR**  
Deputy First Assistant Attorney General  
**JAMES E. DAVIS**, Deputy  
Attorney General  
**PRICILLA M. HUBENAK**  
Chief Environmental Protection Division  
P.O. Box 12548  
Austin, TX 78711-2548

[Priscilla.Hubenak@oag.texas.gov](mailto:Priscilla.Hubenak@oag.texas.gov)

**AMICI / FOR INFORMATIONAL PURPOSES ONLY**

**ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY**

**JAMES C. BROCKMANN\***  
**JAY F. STEIN**  
STEIN & BROCKMANN, P.A.  
P.O. Box 2067  
Santé Fe, New Mexico 87504

(505) 983-3880  
[jcbrockmann@newmexicowaterlaw.com](mailto:jcbrockmann@newmexicowaterlaw.com)  
[jfstein@newmexicowaterlaw.com](mailto:jfstein@newmexicowaterlaw.com)  
[administrator@newmexicowaterlaw.com](mailto:administrator@newmexicowaterlaw.com)

**PETER AUH**  
ALBUQUERQUE BERNALILLO COUNTY  
WATER UTILITY AUTHORITY  
P.O. Box 568  
Albuquerque, NM 87103-0568

(505) 289-3092  
[pauh@abcwua.org](mailto:pauh@abcwua.org)

**CITY OF EL PASO**

**DOUGLAS G. CAROOM\***  
**SUSAN M. MAXWELL**  
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)  
[smaxwell@bickerstaff.com](mailto:smaxwell@bickerstaff.com)

**CITY OF LAS CRUCES**

**JAY F. STEIN \***  
**JAMES C. BROCKMANN**  
STEIN & BROCKMANN, P.A.  
P.O. Box 2067  
Santé Fe, New Mexico 87504

(505) 983-3880  
[jcbrockmann@newmexicowaterlaw.com](mailto:jcbrockmann@newmexicowaterlaw.com)  
[jfstein@newmexicowaterlaw.com](mailto:jfstein@newmexicowaterlaw.com)  
[administrator@newmexicowaterlaw.com](mailto:administrator@newmexicowaterlaw.com)

**JENNIFER VEGA-BROWN**  
**MARCIA B. DRIGGERS**  
LAW CRUCES CITY ATTORNEY'S OFFICE  
P.O. Box 20000  
Las Cruces, New Mexico 88004

(575) 541-2128  
[jvega-brown@lascruces.org](mailto:jvega-brown@lascruces.org)  
[marcyd@lascruces.org](mailto:marcyd@lascruces.org)

**ELEPHANT BUTTE IRRIGATION DISTRICT**

**SAMANTHA R. BARNCASTLE\***  
BARNCASTLE LAW FIRM, LLC  
1100 South Main, Ste. 20  
P.O. Box 1556  
Las Cruces, NM 88004  
**Janet Correll – Paralegal**

(575) 636-2377  
(575) 636-2688 (fax)  
[samantha@h2o-legal.com](mailto:samantha@h2o-legal.com)

[janet@h2o-legal.com](mailto:janet@h2o-legal.com)

**EL PASO COUNTY WATER AND IMPROVEMENT DISTRICT**

**MARIA O'BRIEN\***  
**SARAH M. STEVENSON**  
MODRALL, SPERLING, ROEHL, HARRIS  
& SISK, PA  
Suite 1000  
500 Fourth Street N.W.  
P.O. Box 2168  
Albuquerque, New Mexico 87103-2168

(505) 848-1800 (main)  
(505) 848-1803 (direct)  
(505) 848-9710 (fax)  
[mobrien@modrall.com](mailto:mobrien@modrall.com)

[sarah.stevenson@modrall.com](mailto:sarah.stevenson@modrall.com)

**HUDSPETH COUNTY CONSERVATION AND RECLAMATION DISTRICT**

**ANDREW S. "DREW" MILLER\***  
KEMP SMITH LLP  
816 Congress Avenue, Suite 1305  
Austin, TX 78701

(512) 320-5466  
[dmiller@kempsmith.com](mailto:dmiller@kempsmith.com)

**STATE OF KANSAS**

**TOBY CROUSE\***  
Solicitor General, State of Kansas  
**DEREK SCHMIDT**  
Attorney General, State of Kansas  
**JEFFREY A. CHANAY**  
Chief Deputy Attorney General  
**BRYAN C. CLARK**  
Assistant Solicitor General  
**DWIGHT R. CARSWELL**  
Assistant Attorney General  
120 S. W. 10th Ave., 2nd Floor  
Topeka, KS 66612

(785) 296-2215  
[toby.crouse@ag.ks.gov](mailto:toby.crouse@ag.ks.gov)

**NEW MEXICO PECAN GROWERS**

**TESSA T. DAVIDSON\***  
DAVIDSON LAW FIRM, LLC  
4206 Corrales Road  
P.O. Box 2240  
Corrales, NM 87048  
(505) 792-3636

[ttd@tessadavidson.com](mailto:ttd@tessadavidson.com)

**Patricia McCan – Paralegal**

[patricia@tessadavidson.com](mailto:patricia@tessadavidson.com)

**NEW MEXICO STATE UNIVERSITY**

**JOHN W. UTTON\***  
UTTUN & KERY, P.A.  
P.O. Box 2386  
Santa Fe, New Mexico 87504

(505) 699-1445  
[john@uttonkery.com](mailto:john@uttonkery.com)

**LIZBETH ELLIS**  
General Counsel  
**CLAYTON BRADLEY**  
Counsel  
New Mexico State University  
Hadley Hall Room 132  
2850 Weddell Road  
Las Cruces, NM 88003

(575) 646-2446  
[lellis@ad.nmsu.edu](mailto:lellis@ad.nmsu.edu)  
[bradleyc@ad.nmsu.edu](mailto:bradleyc@ad.nmsu.edu)

Respectfully submitted this 3<sup>rd</sup> day of July, 2018.

/s/ Meichell Walsh  
Meichell Walsh  
TROUT RALEY  
1120 Lincoln St., Suite 1600  
Denver, CO 80203  
(303)861-1963