

No. 141, Original

In The
SUPREME COURT OF THE UNITED STATES

STATE OF TEXAS,

Plaintiff,'

STATE OF NEW MEXICO
and STATE OF
COLORADO,

Defendants.

APPLICATION PURSUANT TO RULE 22 TO JUSTICE SAMUEL
ALITO FOR LEAVE TO FILE ONE RESPONSE TO FOUR RESPONSES
AND EXCEED WORD LIMIT

Robert Simon *
Counsel for Pre-Federal Claimants
1415 Park Avenue SW
Albuquerque, NM 87104
(505) 246-8136
rsimon7@aol.com

*Counsel of Record

June 5, 2019

No. 141, Original

In The SUPREME COURT OF THE UNITED STATES

STATE OF TEXAS,

Plaintiff

STATE OF NEW MEXICO and STATE OF COLORADO,

Defendants.

APPLICATION PURSUANT TO RULE 22 TO JUSTICE SAMUEL
ALITO FOR LEAVE TO FILE ONE RESPONSE TO FOUR RESPONSES
AND EXCEED WORD LIMIT

COME NOW the Pre-federal Claimants ("Claimants") by and through their counsel of record Robert S. Simon and hereby apply, pursuant to Rules 22 and 33 (d) for leave to file one reply that exceeds the word limit for a single Reply to a Brief In Opposition rather than filing four Replies and for good cause would show Justice Alito, as follows:

1. The Pre-federal Claimants filed their Motion for Leave to Intervene in this case on March 20, 2019 ("Motion"). The States of Colorado, Texas and New Mexico and the United States of America filed Responses in Opposition to Pre-federal Claimants' Motion.

2. On April 19, 2019 the U.S. submitted a Motion to extend the time to file response to the motion for leave to intervene from April 19, 2019 to

May 20, 2019, submitted to The Clerk, which was granted.

3. On April 23, 2019 the Pre-federal Claimants (“Claimants”) submitted their Motion to extend the time to file reply in support of motion for leave to intervene to June 10, 2019, so Claimants could respond to all four responses at the same time, which was granted.

4. A Motion was mistakenly submitted to the Special Master’s Clerk on June 3, 2019.

5. Filing one Reply aggregating up to 8000 words will save cost and reduce the burden of replying to each Response separately, which will avoid the parties and the Court needing to read four different replies aggregating up to 12,000 words.

6. The urgency in this matter results from Counsel assuming that one could elect to aggregate the word count limit for four responses into one pleading and only became aware of the Rule 22 requirement to file an application to seek leave to exceed the page limit within the last few days.

WHEREFORE, the Pre-federal Claimants pray Justice Alito grant their application for leave to exceed the word count for a Reply to a Response in Opposition for up to 8000 words, so they may Reply to the four Responses filed in Opposition to Claimants’ Motion for Leave to Intervene in one Reply.

Respectfully submitted this 5th day of June 2019.

/s/ Robert S. Simon

Robert Simon *
Counsel for Pre-Federal Claimants
1415 Park Avenue SW
Albuquerque, NM 87104
(505) 246-8136
rsimon7@aol.com

*Counsel of Record

CERTIFICATE OF SERVICE

On this 5th day of June 2019, the Motion of the Pre-federal Claimants to Claimants to file one reply aggregating up to 8)00 words to all four Responses filed in this case in Opposition to Pre-federal Claimants' Motion for Leave to Intervene was served via electronic mail as indicated, upon those individuals on the Service List attached hereto and by post to the four parties pursuant to Rule 29.3 and 4.

/s/ Robert Simon
Robert Simon

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

STATE	ATTORNEY & ADDRESS	PHONE & EMAIL
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¹ (*) = *Counsel of Record*

Texas	<p>STUART L. SOMACH*</p> <p>ANDREW M. HITCHINGS</p> <p>ROBERT B. HOFFMAN</p> <p>FRANCIS M. "MAC" GOLDSBERRY II</p> <p>THERESA C. BARFIELD</p> <p>BRITTANY K. JOHNSON</p> <p>SOMACH SIMMONS & DUNN, PC</p> <p>500 Capitol Mall, Suite 1000</p> <p>Sacramento, CA 95814</p> <p>Rhonda Stephenson - Secretary</p> <p>Christina Garro – Paralegal</p> <p>Yolanda De La Cruz - Secretary</p> <p>KEN PAXTON</p> <p>Attorney General</p> <p>JEFFREY C. MATEER</p> <p>First Assistant Attorney General</p> <p>BRANTLEY STARR</p> <p>Deputy First Asst. Attorney General</p> <p>JAMES E. DAVIS</p> <p>Deputy Attorney General</p> <p>PRISCILLA M. HUBENAK*</p> <p>Chief, Environmental Protection Div.</p> <p>OFFICE OF THE ATTORNEY GENERAL OF TEXAS</p> <p>P.O. Box 12548</p> <p>Austin, TX 78711-2548</p>	<p>(916) 446-7979</p> <p>(916) 803-4561 (cell)</p> <p>ssomach@somachlaw.com</p> <p>ahitchings@somachlaw.com</p> <p>rhoffman@somachlaw.com</p> <p>mgoldsberry@somachlaw.com</p> <p>tbarfield@somachlaw.com</p> <p>bjohnson@somachlaw.com</p> <p>rstephenson@somachlaw.com</p> <p>cgarro@somachlaw.com</p> <p>ydelacruz@somachlaw.com</p> <p>(512) 463-2012</p> <p>Priscilla.Hubenak@oag.texas.gov</p>

United States	<p>JAMES J. DUBOIS*</p> <p>R. LEE LEININGER</p> <p>THOMAS K. SNODGRASS</p> <p>U.S. DEPT. OF JUSTICE</p> <p>Environment & Natural Resources Div</p> <p>999 18th Street</p> <p>South Terrace – Suite 370</p> <p>Denver, CO 80202</p> <p>Seth C. Allison, Paralegal</p> <p>NOEL J. FRANCISCO *</p> <p>Acting Solicitor General</p> <p>JEFFREY H. WOOD</p> <p>Acting Assistant Attorney General</p> <p>ANN O’CONNELL</p> <p>Assistant to Solicitor General</p> <p>U.S. DEPARTMENT OF JUSTICE</p> <p>950 Pennsylvania Ave, NW</p> <p>Washington , DC 20530-0001</p> <p>STEPHEN M. MACFARLANE</p> <p>U.S. DEPARTMENT OF JUSTICE</p> <p>Environment & Natural Resources Div</p> <p>501 I Street, Suite 9-700</p> <p>Sacramento, CA 95814</p> <p>JUDITH E. COLEMAN</p> <p>U.S. DEPARTMENT OF JUSTICE</p> <p>Environment & Natural Resources Div</p> <p>P. O. Box 7611</p> <p>Washington, DC 20044-7611</p>	<p>(303) 844-1375</p> <p>james.dubois@usdoj.gov (303) 844-1364</p> <p>lee.leininger@usdoj.gov</p> <p>(303) 844-7233</p> <p>Thomas.snodgrass@usdoj.gov</p> <p>(303) 844-7917</p> <p>Seth.allison@usdoj.gov</p> <p>(202) 514-2217</p> <p>supremectbriefs@usdoj.gov</p> <p>(916) 930-2204</p> <p>stephen.macfarlane@usdoj.gov</p> <p>(202) 514-3553</p> <p>judith.coleman@usdoj.gov</p>

AMICI

AMICI	ATTORNEY AND ADDRESS	PHONE & EMAIL
Albuquerque Bernalillo County Water Utility Authority	<p>JAY F. STEIN JAMES C. BROCKMANN* STEIN & BROCKMANN, P.A. P.O. Box 2067 Santa Fe, NM 87504 Administrative Copy</p> <p>PETER AUH Albuquerque Bernalillo County Water Utility Authority P.O. Box 568 Albuquerque, NM 87103-0568</p>	<p>(505) 983-3880 jfstein@newmexicowaterlaw.com jcbrockmann@newmexicowaterlaw.com</p> <p>administrator@newmexicowaterlaw.com</p> <p>(505) 289-3092 pauh@abcwua.org</p>
City of El Paso	<p>DOUGLAS G. CAROOM* SUSAN M. MAXWELL BICKERSTAFF HEATH DELGADO ACOSTA LLP 3711 S. MoPac Expressway Building One, Suite 300 Austin, TX 78746</p>	<p>(512) 472-8021 dcaroom@bickerstaff.com smaxwell@bickerstaff.com</p>

City of Las Cruces	<p>JAY F. STEIN*</p> <p>JAMES C. BROCKMANN STEIN & BROCKMANN, P.A. P.O. Box 2067 Santa Fe, NM 87504 Administrative Copy</p> <p>JENNIFER VEGA-BROWN MARCIA B. DRIGGERS LAS CRUCES CITY ATTORNEY'S OFFICE P.O. Box 20000 Las Cruces, NM 88004</p>	<p>(505) 983-3880 jfstein@newmexicowaterlaw.com jcbrockmann@newmexicowaterlaw.com</p> <p>administrator@newmexicowaterlaw.com</p> <p>(575) 541-2128 jvega-brown@las-cruces.org marcyd@las-cruces.org</p>
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El Paso County Water Improvement District No. 1	<p>MARIA O'BRIEN*</p> <p>SARAH STEVENSON MODRALL, SPERLING, ROEHL, HARRIS & SISK, P.A. 500 Fourth Street N.W., Suite 1000 Albuquerque, NM 87103-2168 Shannon Gifford – Legal Assistant Leanne Martony – Legal Assistant</p> <p>JAMES M. SPEER, JR. c/o El Paso County Water Improvement District No. 1 13247 Alameda Avenue Clint, TX 79836-0749</p>	<p>(505) 848-1803 (direct)</p> <p>mobrien@modrall.com sarah.stevenson@modrall.com</p> <p>shannong@modrall.com leannem@modrall.com</p>
Elephant Butte Irrigation District	<p>SAMANTHA R. BARNCastle*</p> <p>BARNCastle LAW FIRM, LLC 1100 South Main, Suite 20 (88005) P.O. Box 1556 Las Cruces, NM 88004 Janet Correll - Paralegal</p>	<p>(575)636-2377 Fax: (575) 636-2688 samantha@h2o-legal.com</p> <p>janet@h2o-legal.com</p>

Hudspeth County Conservation and Reclamation District No. 1	ANDREW S. "DREW" MILLER* KEMP SMITH LLP 919 Congress Ave., Suite 1305 Austin, TX 78701	(512) 320-5466 dmiller@kempsmith.com
New Mexico Pecan Growers	TESSA DAVIDSON* DAVIDSON LAW FIRM, LLC 4206 Corrales Rd. P.O. Box 2240 Corrales, NM 87048 Patricia McCan - Paralegal	(505) 792-3636 ttd@tessadavidson.com patricia@tessadavidson.com
New Mexico State University	JOHN W. UTTON* UTTON & KERY, P.A. P.O. Box 2386 Santa Fe, NM 87504 LIZBETH ELLIS General Counsel CLAYTON BRADLEY Counsel Hadley Hall Room 132 2850 Weddell Road Las Cruces, NM 88003	(505) 699-1445 john@uttonkery.com (575) 646-2446 lellis@ad.nmsu.edu bradleyc@ad.nmsu.edu

State of Kansas	DEREK SCHMIDT Attorney General of Kansas JEFFREY A. CHANAY Chief Deputy Attorney General TOBY CROUSE* Solicitor General of Kansas BRYAN C. CLARK Assistant Solicitor General DWIGHT R. CARSWELL Assistant Solicitor General 120 S.W. 10th Ave., 2nd Floor Topeka, KS 66612	(785) 296-2215 toby.crouse@ag.ks.gov bryan.clark@ag.ks.gov

SPECIAL MASTER

Special Master	Honorable Michael J. Melloy Special Master United States Circuit Judge 111 Seventh Avenue, S.E., Box 22 Cedar Rapids, IA 52401 Michael E. Gans, Clerk of 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	(319) 432-6080 TxvNM141@ca8.uscourts.gov (314)244-2400 TxvNM141@ca8.uscourts.gov