

2311 Douglas Street  
Omaha, Nebraska 68102-1214

1-800-225-6964  
(402) 342-2831  
Fax: (402) 342-4850



E-Mail Address:  
contact@cocklelegalbriefs.com

Web Site  
www.cocklelegalbriefs.com

No. 141, Original

STATE OF TEXAS,  
Plaintiff,

v.

STATE OF NEW MEXICO and  
STATE OF COLORADO,  
Defendants,

UNITED STATES OF AMERICA,  
Intervenor.

**AFFIDAVIT OF SERVICE**

I, Renee Goss, of lawful age, being duly sworn, upon my oath state that I did, on the 13th day of October, 2023, send out from Omaha, NE 5 package(s) containing 3 copies of the ELEPHANT BUTTE IRRIGATION DISTRICT'S AMICUS CURIAE BRIEF IN SUPPORT OF EXCEPTION AND BRIEF FOR THE UNITED STATES in the above entitled case. All parties required to be served have been served by Priority Mail. Packages were plainly addressed to the following:


SEE ATTACHED


**To be filed for:**

SAMANTHA R. BARNCASTLE  
Counsel of Record  
BARNCASTLE LAW FIRM  
P.O. Box 1556  
Las Cruces, New Mexico 88004  
(575) 636-2377  
samantha@h2o-legal.com  
Counsel for Elephant Butte  
Irrigation District

Subscribed and sworn to before me this 13th day of October, 2023.  
I am duly authorized under the laws of the State of Nebraska to administer oaths.

State of Nebraska – General Notary  
ANDREW COCKLE  
My Commission Expires  
April 9, 2026

  
Notary Public

  
Affiant

**SERVICE LIST FOR ALL PARTIES AND AMICI CURIAE**  
 (Service via Paper Copies and Electronic Mail)

◆  
**SPECIAL MASTER**

<b>Special Master</b>	<p><b>Honorable Michael J. Melloy</b>  <i>Special Master</i>          United States Circuit Judge          111 Seventh Avenue, S.E.          Box 22          Cedar Rapids, IA 52401</p> <p>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</p>	<p><a href="mailto:TXvNM141@ca8.uscourts.gov">TXvNM141@ca8.uscourts.gov</a>          (319) 432-6080</p> <p><a href="mailto:TXvNM141@ca8.uscourts.gov">TXvNM141@ca8.uscourts.gov</a>          (314) 244-2400</p>

<b>United States</b>	<p><b>ELIZABETH B. PRELOGAR*</b>          Solicitor General</p> <p><b>TODD KIM</b>          Assistant Attorney General</p> <p><b>EDWIN S. KNEEDLER</b>          Deputy Solicitor General</p> <p><b>FREDERICK LIU</b>          Assistant to the Solicitor General          U.S. DEPT. OF JUSTICE          950 Pennsylvania Ave, NW          Washington, DC 20530-0001</p> <p><b>R. LEE LEININGER</b></p> <p><b>JEFFREY N. CANDRIAN</b>          U.S. DEPT. OF JUSTICE          Environment &amp; Natural Resources Div.          999 18th Street          South Terrace – Suite 370          Denver, CO 80202</p> <p><b>Seth C. Allison</b> – Paralegal</p> <p><b>JUDITH E. COLEMAN</b></p> <p><b>JENNIFER A. NAJJAR</b>          U.S. DEPT. OF JUSTICE          Environment &amp; Natural Resources Div.</p>	<p><a href="mailto:supremectbriefs@usdoj.gov">supremectbriefs@usdoj.gov</a>          (202) 514-2217</p> <p><a href="mailto:lee.leininger@usdoj.gov">lee.leininger@usdoj.gov</a>          (303) 844-1364</p> <p><a href="mailto:jeffrey.candrian@usdoj.gov">jeffrey.candrian@usdoj.gov</a>          (303) 844-1382</p> <p><a href="mailto:seth.allison@usdoj.gov">seth.allison@usdoj.gov</a>          (303) 844-7917</p> <p><a href="mailto:judith.coleman@usdoj.gov">judith.coleman@usdoj.gov</a>          (202) 514-3553</p> <p><a href="mailto:jennifer.najjar@usdoj.gov">jennifer.najjar@usdoj.gov</a>          (202) 305-0476</p>
----------------------	--	---

	P.O. Box 7611 Washington, DC 20044-7611	

**PARTIES**  
(Service via Electronic Mail)

**PARTIES<sup>1</sup>**

STATE	ATTORNEY & ADDRESS	PHONE & EMAIL
Texas	<p><b>STUART L. SOMACH*</b>  <b>THERESA C. BARFIELD</b>  <b>SARAH A. KLAHN</b>            SOMACH SIMMONS &amp; DUNN, PC            500 Capitol Mall, Suite 1000            Sacramento, CA 95814-2403  <i>*Counsel of Record</i></p> <p><b>ANGELA COLMENERO</b>  <i>Provisional Attorney General of Texas</i></p> <p><b>BRENT WEBSTER</b>  <i>First Assistant Attorney General</i></p> <p><b>GRANT DORFMAN</b>  <i>Deputy First Assistant Attorney General</i></p> <p><b>JAMES LLOYD</b>  <i>Acting Deputy Attorney General for Civil Litigation</i></p> <p><b>WILLIAM F. COLE</b>  <i>Assistant Solicitor General</i></p> <p><b>KELLIE E. BILLINGS-RAY</b>  <i>Chief, Environmental Protection Div.</i></p> <p>OFFICE OF THE ATTORNEY            GENERAL OF TEXAS            P.O. Box 12548            Austin, TX 78711-2548</p>	<p><a href="mailto:ssomach@somachlaw.com">ssomach@somachlaw.com</a>  <a href="mailto:tbarfield@somachlaw.com">tbarfield@somachlaw.com</a>  <a href="mailto:sklahn@somachlaw.com">sklahn@somachlaw.com</a></p> <p>Secretary: Crystal Rivera  <a href="mailto:crivera@somachlaw.com">crivera@somachlaw.com</a>            Paralegal: Yolanda De La Cruz  <a href="mailto:ydelacruz@somachlaw.com">ydelacruz@somachlaw.com</a>            (916) 446-7979</p> <p>(512) 463-2012            (512) 457-4644 (Fax)</p> <p>kellie.billings-ray@oag.texas.gov</p>

---

<sup>1</sup> (\*) = *Counsel of Record*

<p><b>New Mexico</b></p>	<p><b>RAÚL TORREZ</b> New Mexico Attorney General</p> <p><b>JAMES GRAYSON</b> Chief Deputy Attorney General</p> <p><b>JULIE ANN MEADE</b> Assistant Attorney General NEW MEXICO OFFICE OF THE ATTORNEY GENERAL P.O. Drawer 1508 Santa Fe, NM 87501</p> <p><b>NATHANIEL CHAKERES</b> General Counsel</p> <p><b>RICHARD A. ALLEN</b> Deputy General Counsel NEW MEXICO OFFICE OF THE STATE ENGINEER P.O. Box 25102 Santa Fe, NM 87504</p> <p><b>CHRISTOPHER D. SHAW</b> New Mexico Interstate Stream Commission P.O. Box 25102 Santa Fe, NM 87504-5102 <b>Michele del Valle</b> – Law Clerk</p> <p><b>JEFFREY WECHSLER*</b> <b>SHELLY L. DALRYMPLE</b> <b>KALEB W. BROOKS</b> Special Assistant Attorney General MONTGOMERY &amp; ANDREWS 325 Paseo De Peralta Santa Fe, NM 87501 <b>Diana Luna</b> - Paralegal <i>*Counsel of Record</i></p> <p><b>BENNET W. RALEY</b> <b>LISA M. THOMPSON</b> <b>MICHAEL A. KOPP</b> Special Assistant Attorneys General TROUT RALEY 1120 Lincoln St., Suite 1600 Denver, CO 80203</p> <p><b>JOHN DRAPER</b> <b>CORINNE ATTON</b> Special Assistant Attorney General DRAPER &amp; DRAPER LLC 325 Paseo De Peralta Santa Fe, NM 87501 <b>Donna Ormerod</b> – Paralegal</p>	<p><a href="mailto:rtorrez@nmag.gov">rtorrez@nmag.gov</a> <a href="mailto:jgrayson@nmag.gov">jgrayson@nmag.gov</a> (505) 239-4672</p> <p><a href="mailto:nathaniel.chakeres@state.nm.us">nathaniel.chakeres@state.nm.us</a> (505)231-4459 <a href="mailto:rick.allen@state.nm.us">rick.allen@state.nm.us</a> (505)570-7754</p> <p><a href="mailto:chris.shaw@state.nm.us">chris.shaw@state.nm.us</a> (505) 470-6843</p> <p><a href="mailto:michele.delvalle@ose.nm.gov">michele.delvalle@ose.nm.gov</a></p> <p><a href="mailto:jwechsler@montand.com">jwechsler@montand.com</a> <a href="mailto:sdalrymple@montand.com">sdalrymple@montand.com</a> <a href="mailto:kwbrooks@montand.com">kwbrooks@montand.com</a></p> <p><a href="mailto:dluna@montand.com">dluna@montand.com</a> (505) 986-2637</p> <p><a href="mailto:braley@troutlaw.com">braley@troutlaw.com</a> <a href="mailto:lthompson@troutlaw.com">lthompson@troutlaw.com</a> <a href="mailto:mkopp@troutlaw.com">mkopp@troutlaw.com</a> (303) 861-1963</p> <p><a href="mailto:john.draper@draperllc.com">john.draper@draperllc.com</a> <a href="mailto:corinne.atton@draperllc.com">corinne.atton@draperllc.com</a> (505) 570-4591</p> <p><a href="mailto:donna.ormerod@draperllc.com">donna.ormerod@draperllc.com</a></p>
--------------------------	---	---

<p><b>Colorado</b></p>	<p><b>PHILIP J. WEISER</b>  Colorado Attorney General  <b>SHANNON STEVENSON</b>  Solicitor General  <b>LAIN LEONIAK</b>  First Asst. Attorney General  <b>CHAD M. WALLACE*</b>  Second Assistant Attorney General  <b>PRESTON V. HARTMAN</b>  Senior Assistant Attorney General</p> <p>COLORADO DEPARTMENT OF LAW  Ralph Carr Judicial Center  7th Floor  1300 Broadway  Denver, CO 80203  <b>Nan Edwards</b> – Paralegal II</p>	<p><a href="mailto:chad.wallace@coag.gov">chad.wallace@coag.gov</a>  (720) 508-6281 (direct)  <a href="mailto:preston.hartman@coag.gov">preston.hartman@coag.gov</a>  (720) 508-6257 (direct)</p> <p><a href="mailto:nan.edwards@coag.gov">nan.edwards@coag.gov</a></p>
------------------------	--	---

**AMICI**

AMICI	ATTORNEY AND ADDRESS	PHONE & EMAIL
<p><b>Albuquerque Bernalillo County Water Utility Authority</b></p>	<p><b>JAMES C. BROCKMANN*</b>  <b>JAY F. STEIN</b>                      STEIN &amp; BROCKMANN, P.A.                      P.O. Box 2067                      Santa Fe, NM 87504  <b>Administrative Copy</b></p> <p><b>CHARLES W. KOLBERG</b>                      Albuquerque Bernalillo County Water Utility Authority                      P.O. Box 568                      Albuquerque, NM 87103-0568</p>	<p><a href="mailto:jcbrockmann@newmexicowaterlaw.com">jcbrockmann@newmexicowaterlaw.com</a>  <a href="mailto:jfstein@newmexicowaterlaw.com">jfstein@newmexicowaterlaw.com</a>                      (505) 983-3880</p> <p><a href="mailto:administrator@newmexicowaterlaw.com">administrator@newmexicowaterlaw.com</a></p> <p><a href="mailto:ckolberg@abcwua.org">ckolberg@abcwua.org</a>                      (505) 289-3092</p>
<p><b>City of El Paso</b></p>	<p><b>DOUGLAS G. CAROOM*</b>  <b>SUSAN M. MAXWELL</b>                      BICKERSTAFF HEATH DELGADO ACOSTA LLP                      3711 S. MoPac Expressway                      Building One, Suite 300                      Austin, TX 78746</p>	<p><a href="mailto:dcaroom@bickerstaff.com">dcaroom@bickerstaff.com</a>  <a href="mailto:smaxwell@bickerstaff.com">smaxwell@bickerstaff.com</a>                      (512) 472-8021</p>
<p><b>City of Las Cruces</b></p>	<p><b>JAY F. STEIN*</b>  <b>JAMES C. BROCKMANN</b>                      STEIN &amp; BROCKMANN, P.A.                      P.O. Box 2067                      Santa Fe, NM 87504  <b>Administrative Copy</b></p> <p><b>JOCELYN GARRISON</b>  <b>BRAD DOUGLAS</b>                      LAS CRUCES CITY ATTORNEY'S OFFICE                      P.O. Box 20000                      Las Cruces, NM 88004</p>	<p><a href="mailto:jfstein@newmexicowaterlaw.com">jfstein@newmexicowaterlaw.com</a>  <a href="mailto:jcbrockmann@newmexicowaterlaw.com">jcbrockmann@newmexicowaterlaw.com</a>                      (505) 983-3880</p> <p><a href="mailto:administrator@newmexicowaterlaw.com">administrator@newmexicowaterlaw.com</a></p> <p><a href="mailto:cityattorney@las-cruces.org">cityattorney@las-cruces.org</a>  <a href="mailto:jgarrison@las-cruces.org">jgarrison@las-cruces.org</a>  <a href="mailto:bdouglas@las-cruces.org">bdouglas@las-cruces.org</a>                      (575) 541-2128</p>

<p><b>El Paso County Water Improvement District No. 1</b></p>	<p><b>MARIA O'BRIEN*</b>  <b>SARAH STEVENSON</b>  MODRALL, SPERLING, ROEHL, HARRIS &amp; SISK, P.A.  500 Fourth Street N.W., Suite 1000  Albuquerque, NM 87103-2168  <b>Charlie Padilla</b> – Legal Assistant</p> <p><b>RENEA HICKS</b>  LAW OFFICE OF MAX RENE HICKS  P.O. Box 303187  Austin, TX 78703-0504</p>	<p><a href="mailto:mobrien@modrall.com">mobrien@modrall.com</a>  <a href="mailto:sarah.stevenson@modrall.com">sarah.stevenson@modrall.com</a>  (505) 848-1803 (direct)</p> <p><a href="mailto:CharlieP@modrall.com">CharlieP@modrall.com</a></p> <p><a href="mailto:rhicks@renea-hicks.com">rhicks@renea-hicks.com</a>  (512) 480-8231</p>
<p><b>Elephant Butte Irrigation District</b></p>	<p><b>SAMANTHA R. BARNCASTLE*</b>  BARNCASTLE LAW FIRM, LLC  1100 South Main, Suite 20 (88005)  P.O. Box 1556  Las Cruces, NM 88004  <b>Janet Correll</b> – Paralegal</p>	<p><a href="mailto:samantha@h2o-legal.com">samantha@h2o-legal.com</a>  (575) 636-2377  (575) 636-2688 (Fax)</p> <p><a href="mailto:janet@h2o-legal.com">janet@h2o-legal.com</a></p>
<p><b>Hudspeth County Conservation and Reclamation District No. 1</b></p>	<p><b>ANDREW S. "DREW" MILLER*</b>  KEMP SMITH LLP  919 Congress Ave., Suite 1305  Austin, TX 78701</p>	<p><a href="mailto:dmiller@kempsmith.com">dmiller@kempsmith.com</a>  (512) 320-5466</p>
<p><b>New Mexico Pecan Growers</b></p>	<p><b>TESSA T. DAVIDSON*</b>  DAVIDSON LAW FIRM, LLC  4206 Corrales Rd.  P.O. Box 2240  Corrales, NM 87048  <b>Jo Harden</b> – Paralegal</p>	<p><a href="mailto:ttd@tessadavidson.com">ttd@tessadavidson.com</a>  (505) 792-3636</p> <p><a href="mailto:jo@tessadavidson.com">jo@tessadavidson.com</a></p>



<p><b>New Mexico State University</b></p>	<p><b>JOHN W. UTTON*</b>  UTTON &amp; KERY, P.A.  675 Alto Street  Santa Fe, NM 87501</p> <p>General Counsel  New Mexico State University  Hadley Hall Room 132  2850 Weddell Road  Las Cruces, NM 88003</p>	<p><a href="mailto:john@uttonkery.com">john@uttonkery.com</a>  (505) 699-1445</p> <p><a href="mailto:gencounsel@nmsu.edu">gencounsel@nmsu.edu</a>  (575) 646-2446</p>
<p><b>State of Kansas</b></p>	<p><b>DEREK SCHMIDT</b>  Attorney General of Kansas  <b>JEFFREY A. CHANAY</b>  Chief Deputy Attorney General  <b>TOBY CROUSE*</b>  Solicitor General of Kansas  <b>BRYAN C. CLARK</b>  Assistant Solicitor General  <b>DWIGHT R. CARSWELL</b>  Assistant Solicitor General  120 S.W. 10th Ave., 2nd Floor  Topeka, KS 66612</p>	<p><a href="mailto:toby.crouse@ag.ks.gov">toby.crouse@ag.ks.gov</a></p> <p><a href="mailto:bryan.clark@ag.ks.gov">bryan.clark@ag.ks.gov</a>  (785) 296-2215</p>
<p><b>Southern Rio Grande Diversified Crop Farmers Association</b></p>	<p><b>ARNOLD J. OLSEN*</b>  HENNIGHAUSEN OLSEN  &amp; McCREA, L.L.P.  P. O. Box 1415  Roswell, NM 88202-1415  <b>Malina Kauai</b> – Paralegal  <b>Rochelle Bartlett</b> – Legal Assistant</p>	<p><a href="mailto:ajolsen@h2olawyers.com">ajolsen@h2olawyers.com</a>  (575) 624-2463</p> <p><a href="mailto:mkauai@h2olawyers.com">mkauai@h2olawyers.com</a>  <a href="mailto:rbartlett@h2olawyers.com">rbartlett@h2olawyers.com</a></p>