

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

[PROPOSED] ORDER REGARDING MEDIATION INVOICES

[PROPOSED] ORDER

I. Mediator Invoices:

On January 15, 2025, I issued an order directing the procedure for approval of the Mediator's invoices [1/15/25 Order]. Pursuant to section II of the 1/15/25 Order, the parties jointly seek approval herein, and I hereby approve the following Mediator invoices:

- A. Arthur J. Boylan ADR LLC, Invoice #032025, February 28, 2025, for services from January 8, 2025 through February 27, 2025 [Exhibit A].
 - a. Time: 43 hrs.
 - b. Fees: \$25,200.00
 - c. Expenses: \$2,125.32
 - d. Total Due: \$27,325.32
 - i. Split between the parties under section I.D. of the 1/15/25

Order as follows:

- 1. Texas: \$8,197.60
- 2. New Mexico: \$8,197.60
- 3. Colorado: \$2,732.52
- 4. United States: \$8,197.60

B. Arthur J. Boylan ADR LLC, Invoice #072024A, December 31, 2024,
for services from November 1, 2024 through December 16, 2024
[Exhibit B].

a. Time: 37.5 hrs.

b. Fees: \$22,750.00

c. Expenses: \$2,577.55

d. Total Due: \$25,327.55

i. Split between the parties under section I.D. of the 1/15/25

Order as follows:

1. Texas: \$7,598.27

2. New Mexico: \$7,598.27

3. Colorado: \$2,532.74

4. United States: \$7,598.27

C. Arthur J. Boylan ADR LLC, Invoice #52024, October 31, 2024, for
services from June 14, 2024 through October 31, 2024 [Exhibit C].

a. Fees: \$10,000.00

b. Expenses: \$1,058.85

c. Total Due: \$11,058.85

i. Split between the parties under section I.D. of the 1/15/25

Order as follows:

1. Texas: \$3,317.66
2. New Mexico: \$3,317.66
3. Colorado: \$1,105.87
4. United States: \$3,317.66

II. Court Reporter Invoices:

The parties additionally jointly seek approval herein, and I hereby approve, the following court reporter invoices:

- A. HB Reporting, Invoice 2024-1023, dated March 24, 2025, for services of reporter Heather Garza at the October 23, 2024 Status Conference [Exhibit D]. Transcript expenses are split between the parties as follows: 30% Texas, 30% New Mexico, 30% United States and, 10% Colorado. Travel expenses are split equally between each party. The full invoices for the parties are: Texas, New Mexico, and the United States: \$1,300.00 each; Colorado: \$634.00.
- A. HB Reporting, Invoice 2025-0227, dated March 24, 2025, for services of reporter Heather Garza at the February 27, 2025 Status Conference [Exhibit E]. Transcript expenses are split between the parties as

follows: 30% Texas, 30% New Mexico, 30% United States, and 10% Colorado. Travel expenses are split equally between each party. The full invoices for the parties are: Texas, New Mexico, and the United States: \$485.00 each; Colorado: \$259.19.

III. Costs for the February 25-27, 2025 Mediation

- B. The mediation facility, audio-visual, and related hosting costs, except food and beverage, shall be invoiced by Somach Simmons & Dunn to New Mexico, the United States, and Colorado with the allocation: 30% Texas, 30% New Mexico, 30% United States, and 10% Colorado.
- C. Any and all food and beverage costs shall be invoiced by Somach Simmons & Dunn to New Mexico and Colorado with the allocation: 40% Texas, 40% New Mexico, and 20% Colorado.

Date: _____

Honorable D. Brooks Smith
Special Master
United States Circuit Judge
1798 Plank Road, Suite 203
Duncansville, PA 16635
Tel: (814) 693-0570

SUBMITTED AND APPROVED AS TO FORM:

By: /s/ Stuart L. Somach

STUART L. SOMACH, ESQ.*
THERESA C. BARFIELD, ESQ.
SARAH A. KLAHN, ESQ.
SOMACH SIMMONS & DUNN, PC
500 Capitol Mall, Suite 1000
Sacramento, CA 95814
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Deputy First Assistant Attorney
General
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Deputy Attorney General for Civil
Litigation
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Chief, Environmental Protection
Division
H. CARL MYERS
Deputy Chief, Environmental
Protection Division
Office of the Attorney General of
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Environmental Protection Division
P.O. Box 12548, MC-066
Austin, TX 78711-2548

Counsel for the State of Texas

By: /s/ Jeffrey J. Wechsler

RAÚL TORREZ
New Mexico Attorney General
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Chief Deputy Attorney General
JULIE ANN MEADE
Assistant Attorney General
NEW MEXICO OFFICE OF THE
ATTORNEY GENERAL

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325 Paseo de Peralta
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325 Paseo De Peralta
Santa Fe, NM 87501

Counsel for the State of New Mexico

By: /s/ Chad M. Wallace

PHILIP J. WEISER
Attorney General of Colorado
SHANNON STEVENSON
Solicitor General
LAIN LEONIAK
First Assistant Attorney General
CHAD M. WALLACE*
Second Assistant Attorney General
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Colorado Department of Law
1300 Broadway, 10th Floor
Denver, CO 80203
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Chad.wallace@coag.gov
*Counsel of Record

Counsel for the State of Colorado

By: /s/ Thomas K. Snodgrass

ELIZABETH B. PRELOGAR
Solicitor General
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Assistant Attorney General
EDWIN S. KNEEDLER
Deputy Solicitor General
FREDERICK LIU
Assistant to the Solicitor General
THOMAS K. SNODGRASS
JUDITH E. COLEMAN
JENNIFER A. NAJJAR
JEFFREY N. CANDRIAN
U.S. Department of Justice
Environment & Natural Resources
Division
P.O. Box 7611
Washington, D.C. 20004
Thomas.snodgrass@usdoj.gov

Counsel for the United States

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

CERTIFICATE OF SERVICE

This is to certify that on the 11th day of April 2025, I caused a true and correct copy of the foregoing **[PROPOSED] ORDER REGARDING MEDIATION INVOICES** to be served on the parties and filed with the Special Master through Third Circuit Case Management and Electronic Case Filing (CM/ECF) System.

Respectfully submitted,

/s/ Stuart L. Somach

EXHIBIT A

Arthur J. Boylan ADR LLC.

Mediation & Arbitration

5705 Johnson Dr.

Edina, MN. 55436

INVOICE # 032025

February 28, 2025

In re: Texas v. New Mexico and Colorado, No. 141, Original Action in the Supreme Court of the United States

Services:

01/08 - **0.50 hrs.-** Review of proposed order, email response

01/09 - **0.25 hrs. -** Travel arrangements for February mediation, review of Revised proposed Order regarding mediation fees

01/10 - **0.50 hrs. -** Review of emails and final order being filed on mediator fees, making final travel arrangements

01/14 - **0.25 hrs. -** Review of emails in re: groundwater responses

01/15 - **0.25 hrs.-** Emails in re groundwater

01/16 - **0.25 hrs. -** Emails in re scheduling

02/08 - **0.75 hrs. –** Receipt and review of US response to NM groundwater administration email to compacting state

02/19 - **1.00 hrs. –** Receipt and review of US Response to Effective El Paso Index, emails compacting state, review of proposed agenda

02/20 - **1.00 hrs. –** Conference w/compacting states

02/21 - **0.50 hrs. –** Review of emails, review of files preparation for mediation

02/23 - **0.75 hrs. –** Emails in re: Mediation session, agenda, preparing for mediation

02/24 - **6.00 hrs. -** Travel to Pittsburgh mediation (Billed at 50% of hourly rate)

02/25 - **10.00 hrs.** - Attendance at mediation

02/26 - **10.00 hrs.**- Attendance at mediation

02/27 - **03.00 hrs.** - Preparing for and attending status conference

02/27 - **08.00 hrs.** – Travel from Pittsburgh mediation (Billed at 50% of hourly rate)

Total time: 43.00 hrs.

Fee: \$25,200.00

Expenses: \$2,125.32

TOTAL DUE: \$27,325.32 - (To be divided between the parties pursuant to the Special Master's Order)

www.arthurjboylanadr.com

Tax ID: 46-4819475

Please make checks payable to: Arthur J. Boylan ADR, LLC

EXHIBIT B

Arthur J. Boylan ADR LLC.

Mediation & Arbitration

5705 Johnson Dr.

Edina, MN. 55436

INVOICE # 072024A

December 31, 2024

In re: Texas v. New Mexico and Colorado, No. 141, Original Action in the Supreme Court of the United States

Services:

- 11/01 - **0.10 hrs.** - Receipt and review of emails in re: December mediation session details.
- 11/07 - **0.10 hrs.** - Receipt and review of emails, email exchanges in re: December mediation sessions.
- 11/08 - **0.30 hrs.** - Review of file, tel. conf. call, emails
- 11/15 - **0.10 hrs.** - Review proposed agenda for December mediation sessions.
- 11/16 - **0.50 hrs.** - Emails in re: December mediation sessions, arranging for travel and accommodations.
- 11/18 - **0.20 hrs.** -Finalizing agenda, emails.
- 12/04 - **1.00 hrs.** -Reviewing confidential pre-mediation statements, preparation for in-person mediation sessions.
- 12/09 - **5.00 hrs.** -Travel from Minnesota to Washington DC (Billed at 50% of hourly rate).
- 12/10 - **10.00 hrs.** - Attendance at in-person mediation.
- 12/11 - **10.00 hrs.** - Attendance at in-person mediation.
- 12/12 - **5.00 hrs.** - Attendance at in-person mediation.
- 12/12 - **5.00 hrs.** - Travel from Washington DC to home (Billed at 50% of hourly rate).

12/13 - **0.10 hrs.** –Emails in re: Scheduling of February mediation sessions.

12/16 - **0.10 hrs.** – Emails in re: Scheduling of February mediations sessions and availability of courtroom for status conference w/Special Master.

Total time: 37.50 hrs.

TOTAL FEES: \$22,750.00

Expenses: \$2,577.55

TOTAL DUE: \$25,327.55 - (This amount should be divided between the parties pursuant to the Special Master's Order)

www.arthurjboylanadr.com

Tax ID: 46-4819475

Please make checks payable to: Arthur J. Boylan ADR, LLC

EXHIBIT C

**Arthur J. Boylan ADR LLC.
Mediation & Arbitration
5705 Johnson Dr.
Edina, MN. 55436**

**INVOICE # 52024
October 31, 2024**

In re: Texas v. New Mexico and Colorado, No. 141, Original Action in the Supreme Court of the United States

Services:

06/14 -10/31 Review of United States Supreme Court decision of June 21, 2024,
Conferences with Special Masters
Review of parties/amici submissions in re: status conference
Attendance at October 23, 2024 status conference
Conferring with attorneys for parties/amici

\$10,000.00

Expenses:

Round trip airfare to Denver -\$346.96
Ground transportation – round trip mileage to MSP airport via private auto - \$16.00
Ground transportation – round trip DEN airport to downtown - \$ 17.00
Denver trip meals - \$ 110.75
Airport parking MSP - \$60.00
Denver lodging - \$508.14

TOTAL DUE: \$11,058.85

Tax ID: 46-4819475

EXHIBIT D

HB Reporting

2 Winhall Place
The Woodlands, Texas 77354
713-299-8749
heather@hbreporting.com

Invoice

Submitted on 3/24/2025

Invoice for
Mr. Stuart Somach
Somach Simmons & Dunn
500 Capitol Mall, Suite 1000
Sacramento, CA 95814

Checks Payable to:
HB Reporting
ACH Payments Accepted

Invoice #
2024-1023

Due date
Due Upon Receipt

CASE NO: 141 Original State of Texas vs. State of New Mexico and State of Colorado

Description	Qty	Unit price	Total price
Status Conference Hearing Transcript	200	\$5.00	\$1,000.00
Admin Fee	1	\$0.00	\$0.00
Appearance Fee	1	\$300.00	\$300.00

Notes: Travel expenses are at cost and split equally between each party.

Subtotal \$1,300.00
Adjustments
\$1,300.00

HB Reporting

2 Winhall Place
The Woodlands, Texas 77354
713-299-8749
heather@hbreporting.com

Invoice

Submitted on 3/24/2025

Invoice for
Mr. Jeffrey Wechsler
Spencer Fane
325 Paseo De Peralta
Santa Fe, New Mexico 87501

Checks Payable to:
HB Reporting
ACH Payments Accepted

Invoice #
2024-1023-1

Due date
Due Upon Receipt

CASE NO: 141 Original State of Texas vs. State of New Mexico and State of Colorado

Description	Qty	Unit price	Total price
Status Conference Hearing	200	\$5.00	\$1,000.00
Admin Fee	1	\$0.00	\$0.00
Travel Expenses	1	\$300.00	\$300.00

Notes:

Subtotal \$1,300.00
Adjustments
\$1,300.00

HB Reporting

2 Winhall Place
The Woodlands, Texas 77354
713-299-8749
heather@hbreporting.com

Invoice

Submitted on 3/24/2025

Invoice for
Mr. Thomas Snodgrass
U.S. Department of Justice
P.O. Box 7611
Washington, DC 20044

Checks Payable to:
HB Reporting
ACH Payments Accepted

Invoice #
2024-1023-2

Due date
Due Upon Receipt

CASE NO: 141 Original State of Texas vs. State of New Mexico and State of Colorado

Description	Qty	Unit price	Total price
Status Conference Hearing	200	\$5.00	\$1,000.00
Admin Fee	1	\$0.00	\$0.00
Travel Expenses	1	\$300.00	\$300.00

Notes:

Subtotal \$1,300.00
Adjustments
\$1,300.00

HB Reporting

2 Winhall Place
The Woodlands, Texas 77354
713-299-8749
heather@hbreporting.com

Invoice

Submitted on 3/24/2025

Invoice for
Mr. Chad Wallace
Colorado Department of Law
1300 Broadway, 7th Floor
Denver, Colorado 80203

Checks Payable to:
HB Reporting
ACH Payments Accepted

Invoice #
2024-1023-3

Due date
Due Upon Receipt

CASE NO: 141 Original State of Texas vs. State of New Mexico and State of Colorado

Description	Qty	Unit price	Total price
Status Conference Hearing	200	\$1.67	\$334.00
Admin Fee	1	\$0.00	\$0.00
Travel Expenses	1	\$300.00	\$300.00

Notes:

Subtotal \$634.00
Adjustments
\$634.00

EXHIBIT E

HB Reporting

2 Winhall Place
The Woodlands, Texas 77354
713-299-8749
heather@hbreporting.com

Invoice

Submitted on 3/24/2025

Invoice for
Mr. Stuart Somach
Somach Simmons & Dunn
500 Capitol Mall, Suite 1000
Sacramento, CA 95814

Checks Payable to:
HB Reporting
ACH Payments Accepted

Invoice #
2025-0227

Due date
Due Upon Receipt

CASE NO: 141 Original State of Texas vs. State of New Mexico and State of Colorado

Description	Qty	Unit price	Total price
Status Conference Hearing Transcript	57	\$5.00	\$285.00
Admin Fee	1	\$0.00	\$0.00
Appearance Fee	1	\$200.00	\$200.00

Notes: Travel expenses are at cost and split equally between each party.

Subtotal \$485.00
Adjustments
\$485.00

HB Reporting

2 Winhall Place
The Woodlands, Texas 77354
713-299-8749
heather@hbreporting.com

Invoice

Submitted on 3/24/2025

Invoice for
Mr. Jeffrey Wechsler
Spencer Fane
325 Paseo De Peralta
Santa Fe, New Mexico 87501

Checks Payable to:
HB Reporting
ACH Payments Accepted

Invoice #
2025-0227-1

Due date
Due Upon Receipt

CASE NO: 141 Original State of Texas vs. State of New Mexico and State of Colorado

Description	Qty	Unit price	Total price
Status Conference Hearing Transcript	57	\$5.00	\$285.00
Admin Fee	1	\$0.00	\$0.00
Travel Expenses	1	\$200.00	\$200.00

Notes:

Subtotal \$485.00
Adjustments
\$485.00

HB Reporting

2 Winhall Place
The Woodlands, Texas 77354
713-299-8749
heather@hbreporting.com

Invoice

Submitted on 3/24/2025

Invoice for
Mr. Thomas Snodgrass
U.S. Department of Justice
P.O. Box 7611
Washington, DC 20044

Checks Payable to:
HB Reporting
ACH Payments Accepted

Invoice #
2025-0227-2

Due date
Due Upon Receipt

CASE NO: 141 Original State of Texas vs. State of New Mexico and State of Colorado

Description	Qty	Unit price	Total price
Status Conference Hearing Transcript	57	\$5.00	\$285.00
Admin Fee	1	\$0.00	\$0.00
Travel Expenses	1	\$200.00	\$200.00

Notes:

Subtotal \$485.00
Adjustments
\$485.00

HB Reporting

2 Winhall Place
The Woodlands, Texas 77354
713-299-8749
heather@hbreporting.com

Invoice

Submitted on 3/24/2025

Invoice for
Mr. Chad Wallace
Colorado Department of Law
1300 Broadway, 7th Floor
Denver, Colorado 80203

Checks Payable to:
HB Reporting
ACH Payments Accepted

Invoice #
2025-0227-3

Due date
Due Upon Receipt

CASE NO: 141 Original State of Texas vs. State of New Mexico and State of Colorado

Description	Qty	Unit price	Total price
Status Conference Hearing Transcript	57	\$1.67	\$95.19
Admin Fee	1	\$0.00	\$0.00
Travel Expenses	1	\$200.00	\$200.00

Notes:

Subtotal \$295.19
Adjustments
\$295.19