

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,

UNITED STATES OF AMERICA,
Intervenor.

**UNITED STATES' LIST OF OUTSTANDING CLAIMS AND
OBJECTIONS TO STATES' UNSOLICITED FILINGS**

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I. United States' List of Outstanding Claims.

On October 7, 2024, the Court ordered the parties to “provide to the Special Master a written list setting forth all outstanding claims of the parties.” ECF 10, ¶

3. The United States’ outstanding Compact claims against New Mexico are set forth in its Complaint in Intervention, attached to the Motion of the United States for Leave to Intervene as a Plaintiff filed with the Supreme Court on January 27, 2014. The Supreme Court granted that motion on March 31, 2014. The prayer for relief requests that the Court:

(a) declare that New Mexico, as a party to the Compact:

(i) may not permit water users who do not have contracts with the Secretary of the Interior to intercept or interfere with delivery of Project water to Project beneficiaries or to Mexico,

(ii) may not permit Project beneficiaries in New Mexico to intercept or interfere with Project water in excess of federal contractual amounts, and

(iii) must affirmatively act to prohibit or prevent such interception or interference;

(b) permanently enjoin and prohibit New Mexico from permitting such interception and interference;

(c) mandate that New Mexico affirmatively prevent such interception and interference; and

(d) grant such other relief as the Court may deem appropriate and necessary to protect the rights, duties, and obligations of the United States with respect to the waters of the Rio Grande.

ECF 65, U.S. Compl. 5. In 2018, the Court denied New Mexico’s motion to dismiss, recognizing the United States’ right to “pursue the Compact claims it has pleaded.” *Texas v. New Mexico*, 583 U.S. 407, 415 (2018).¹

II. United States’ Objections to States’ Unsolicited Filings.

On the afternoon of October 21, 2024, Texas, New Mexico, and Colorado filed a Joint Supplemental Status Report on Outstanding Claims and Issues. *See* ECF 19. That filing goes far beyond the “written list setting forth all outstanding claims of the parties” requested by the Court’s October 27, 2024 order, ECF 10, ¶ 3, and includes extensive argument in Sections II. and III. on the issues purportedly remaining to be resolved and next steps for this litigation. The United States

¹ New Mexico filed counterclaims against Texas and the United States. Doc. 93. The previous Special Master dismissed all the counterclaims against the United States as barred by sovereign immunity, among other grounds. Doc. 338, at 14-22. In so ruling, however, the Special Master stated, “I am not prepared at this time to determine the full extent of sovereign immunity as to declaratory relief, including as to counterclaims that essentially mirror claims the United States has asserted.” *Id.* at 2.

objects to these unsolicited portions of the States’ filing – filed on the eve of the status conference – and asks that these portions of the filing not be considered at the status conference. The United States also objects to the unsolicited filing from the States filed on October 16, 2024 – the Compacting States’ Joint Response to the Status Report of the Irrigation Districts. ECF 17. The States have now exceeded by many pages their 25-page status report limit. ECF 1.

Respectfully submitted this 22nd day of October, 2024,

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CERTIFICATE OF SERVICE

This is to certify that on the 22nd day of October, 2024, I caused a true and correct copy of the **UNITED STATES' LIST OF OUTSTANDING CLAIMS AND OBJECTIONS TO STATES' UNSOLICITED FILINGS** 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/ Thomas K. Snodgrass
Thomas Snodgrass, Senior Attorney