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Via Federal Express and Email

Scott S. Harris
Clerk of the Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543-0001
sharris@supremecourt.gov

**Re: *Texas v. New Mexico*, No. 65, Orig.
Motion to Extend Time to Respond to Texas' Motion for Review of River
Master's Final Determination**

Dear Mr. Harris:

Pursuant to Supreme Court Rule 30.4, the State of New Mexico respectfully moves for an extension of time for filing its response to Texas' Motion for Review of River Master's Final Determination in *Texas v. New Mexico*, No. 65, Original, until February 15, 2019. The State of Texas does not oppose this motion.

The Court entered its Amended Decree and Order in this case on March 28, 1988, enforcing the Pecos River Compact and appointing a River Master. 485 U.S. 388 (1988). Pursuant to Section III.B of the Amended Decree, the Pecos River Master must deliver his Final Report containing the annual water year accounting to the Court by July 1st of each year. On June 28, 2018, the Court granted a joint motion from the two States to extend the deadline for the Final Report for Water Year 2017 to allow the States to brief the issue of whether an adjustment was necessary to the three-year accounting to address evaporation associated with Tropical Storm Odile. On September 6, 2018, the River Master filed his accounting for Water Year 2017 which incorporated his resolution of the evaporation issue.

On October 9, 2018, the Court granted a 60-day extension for Texas to file its Motion for Review of the Final Report for Water Year 2017. On November 28, 2018, the Court granted Texas an additional 7-day extension. Texas filed its Motion for Review on December 17, 2018. If this Motion to Extend Time is not granted, New Mexico's response would be due on January 2, 2019. *See* Sup. Ct. R. 21.4 & 30.1.

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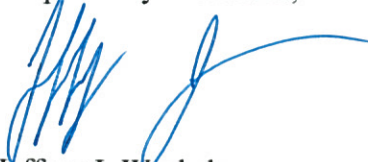
This Motion to Extend Time for New Mexico to respond to Texas' Motion for Review is warranted for three related reasons. *First*, in original actions, "which involve issues of high public importance," *United States v. Texas*, 339 U.S. 707, 715 (1950), the Court has traditionally preferred procedures that allow "both parties to present their respective claims in their full strength," *Rhode Island v. Massachusetts*, 39 U.S. 210, 257 (1840). The Amended Decree does not specify the time for a response to a motion for review, so the response is subject to the 10-day deadline set forth in Supreme Court Rule 30. Unlike a procedural motion, however, Texas' Motion for Review raises significant substantive issues that could meaningfully impact the apportionment of water between New Mexico and Texas. It also raises complex questions such as how the Compact, the Amended Decree, and the River Master Manual contemplate accounting for evaporation related to the storm event, and whether the accounting for past years may be adjusted through the Water Year 2017 accounting. New Mexico's response requires substantial care in its consideration, preparation, and authorization.

Second, the press of business from numerous complex matters with deadlines during the current 10-day window for filing the response requires significant time and attention from the undersigned counsel. These competing demands for time are exacerbated by the holidays.

Third, no meaningful prejudice would arise from the requested extension, as illustrated by Texas' position on this Motion to Extend Time.

For the foregoing reasons, the State of New Mexico respectfully requests an extension of the deadline for filing its response to Texas' Motion for Review from January 2, 2019 until February 15, 2019.

Respectfully submitted,



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Counsel for the State of New Mexico

cc: Kyle D. Hawkins (Solicitor General for the State of Texas)
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