

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**

◆  
\_\_\_\_\_  
**STATE OF NEW MEXICO'S ANTICIPATED ORDER OF WITNESSES FOR  
OCTOBER 2021 REMOTE TRIAL SETTING**

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September 23, 2021

The State of New Mexico, pursuant to the September 16, 2021, Order Regarding Remote Trial Protocol, provides the following list of witnesses that it anticipates calling to testify during the October 2021 remote trial setting. The list is arranged in the order that New Mexico anticipates calling the witnesses. The order of witnesses may change as necessary to accommodate witness availability. New Mexico also reserves the right to call any witness from its “Will-Call” or “May-Call” lists as reflected in Appendix B of the State of New Mexico’s Pretrial Conference Statement (Aug. 25, 2021):

1. **Jennifer Stevens, Ph.D.**  
c/o New Mexico Office of the Attorney General

Dr. Stevens’s expected testimony will include but not be limited to issues raised and matters and opinions discussed in her expert reports and disclosures, supplemental disclosures, depositions and declarations in this matter, and responses at trial to fact or expert evidence presented.

**Anticipated Time on Direct Examination: 4 Hours**

2. **Rolf Schmidt-Petersen**  
Director, New Mexico Interstate Stream Commission New Mexico Office of the State Engineer  
c/o New Mexico Office of the Attorney General

Mr. Schmidt-Petersen’s expected testimony will include but not be limited to his role and experiences as Director of the Interstate Stream Commission, his role as the Rio Grande Bureau Chief, his role and experiences as Engineer Advisor to the Rio Grande Compact Commission, the role of the Interstate Stream Commission in New Mexico water administration, regional water planning, interstate compact administration, credit water releases, the relationship between the Rio Grande Compact Commission and the Rio Grande Project, interactions between the Parties related to the Rio Grande Compact, Compact accounting, the impacts of the 2008 Operating Agreement, injuries sustained and/or damages incurred by New Mexico, issues raised and matters discussed in his depositions and declarations, and responses at trial to fact or expert evidence presented.

**Anticipated Time on Direct Examination: 4 Hours**

3. **David Salopek**  
1985 Salopek Road Las Cruces, NM 88005

Mr. Salopek’s expected testimony will include but not be limited to sources of

irrigation water in New Mexico's Lower Rio Grande, impacts of the 2008 Operating Agreement, farming operations, EBID operations, interactions with the OSE, the economics of New Mexico's Lower Rio Grande agriculture, and responses at trial to fact or expert evidence presented.

**Anticipated Time on Direct Examination: 2 Hours**

4. **Shayne Franzoy**  
2552 Calle De Vista  
Las Cruces, NM 88007

Mr. Franzoy's expected testimony will include but not be limited to sources of irrigation water in New Mexico's Lower Rio Grande, impacts of the 2008 Operating Agreement, farming operations, EBID operations, interactions with the OSE, the economics of New Mexico's Lower Rio Grande agriculture, and responses at trial to fact or expert evidence presented.

**Anticipated Time on Direct Examination: 1 Hour**

5. **Gregory M. Carrasco**  
Vice President/Senior Relationship Manager Farm Credit of New Mexico  
2000 Las Vegas Court  
Las Cruces, NM 88007

Mr. Carrasco's expected testimony will include but not be limited to farm lending and valuation of agricultural land uses and water rights, potential impacts of fallowing and/or depletion reduction to farming and ancillary businesses, economic value of farming and ancillary businesses in southern New Mexico, and responses at trial to fact or expert evidence presented.

**Anticipated Time on Direct Examination: 2 Hours**

6. **Jorge Garcia, Ph.D.**  
Former Director of Utilities, City of Las Cruces  
c/o New Mexico Office of the Attorney General

Dr. Garcia's expected testimony will include but not limited to all aspects of the City of Las Cruces water use and planning, utility management, issues raised and matters discussed at his deposition, and responses at trial to fact or expert evidence presented.

**Anticipated Time on Direct Examination: 1 Hour**

7. **Lee Wilson, Ph.D.**  
c/o New Mexico Office of the Attorney General

Dr. Wilson's expected testimony will include but not be limited to rebuttal of

United States expert Phillip King by providing data on City of Las Cruces' water use, water rights, wells, hydrogeology, wastewater discharges, holdings of Rio Grande surface water rights, and how the City of Las Cruces offsets effects of its pumping on the Rio Grande. He will also address issues raised and matters and opinions discussed in his expert disclosures, supplemental disclosures, depositions and declarations in this matter, and responses at trial to fact or expert evidence presented.

**Anticipated Time on Direct Examination: 2 Hours**

**8. Scott Eschenbrenner**

Special Assistant to the President New Mexico State University  
c/o New Mexico Office of the Attorney General

Mr. Eschenbrenner's expected testimony will include but not be limited to an overview of the NMSU mission and status as a land grant university, NMSU's economic impacts in the region, agriculture in the Lower Rio Grande in New Mexico, economic value and impacts of agriculture in the LRG and New Mexico, the use of water for university and research purposes, water sources, water rights, water operations, historic water use, the impacts of the 2008 Operating Agreement on surface water supply, and responses at trial to fact or expert evidence presented.

**Anticipated Time on Direct Examination: 2 Hours**

**9. Mike Greene**

Project Manager, Water Resources PNM Resources  
c/o New Mexico Office of the Attorney General

Mr. Greene's expected testimony will include but not be limited to PNM actions and plans as to the Afton plant operations and water usage, the customer base and the economic impact of the electric utility throughout the region, financial investments, sources of water for electric utility operation, the acquisition process and ownership of water rights, PNM historic water use, water operations and planning, and responses at trial to fact or expert evidence presented.

**Anticipated Time on Direct Examination: 2 Hours**

**10. Brent Westmoreland**

CRRUA Executive Director  
c/o New Mexico Office of the Attorney General

Mr. Westmoreland's expected testimony will include but not be limited to an overview of the CRRUA operations, service area, and customer base, sources of water, water available for offsets, water rights, water operations, the economic impact of CRRUA services, historic water use, and responses at trial to fact or expert evidence presented.

**Anticipated Time on Direct Examination: 2 Hours**

**11. John Stomp**

Former Chief Operating Officer  
Albuquerque Bernalillo County Water Utility Authority c/o New Mexico  
Office of the Attorney General

Mr. Stomp's expected testimony will include but not be limited to the Water Authority's water supply and demand, operations, groundwater management, conservation programs, reliance on New Mexico law for water rights administration, coordination with New Mexico that has ensured the State's compliance with the Rio Grande Compact in the Middle Rio Grande, including Article IV, potential ramifications for the Water Authority from the resolution of *Texas v. New Mexico*, Original No. 141, credit water releases, issues raised and matters discussed in his deposition, and responses at trial to fact or expert evidence presented.

**Anticipated Time on Direct Examination: 1 Hour**

**12. Edward Drusina**

Former Commissioner,  
U.S. Section International Boundary and Water Commission  
c/o United States Department of Justice

Mr. Drusina's expected testimony will include but not be limited to Mexico water use and operations, IBWC river channel maintenance obligations and actions, Rio Grande Project Operations as they relate to Mexico, deliveries to the American Canal, water supply, allocation procedures, water accounting procedures, vegetation and sediment management within and adjacent to the channel of the Rio Grande, surface and groundwater diversions or uses in Mexico from groundwater aquifers, effects of groundwater pumping on Project releases, diversions, deliveries, and return flows, and issues raised and matters discussed in his deposition.

**Anticipated time on Direct Examination: 1 Hour**

**13. Daniel Chavez**

General Manager, Hudspeth County Conservation and Reclamation  
71920 Texas Hwy 20  
Fort Hancock, TX 79839

Mr. Chavez's expected testimony will include but not be limited to the history and operation of the Hudspeth County Conservation and Reclamation District No. 1, its contracts with the Bureau of Reclamation, and any other issues raised and matters discussed in his deposition.

**Anticipated Time on Direct Examination: 2 Hours**

- 14. Texas Commission on Environmental Quality Representatives  
(Kelly Mills)**  
c/o State of Texas

Ms. Mills' expected testimony will include but not be limited to the role and activities of the TCEQ, water administration, Texas regional and state water use and planning, water administration, issues raised and matters discussed in their respective depositions.

**Anticipated Time on Direct Examination: 1 Hour**

- 15. Texas Water Development Board Representative  
(Larry French)**  
c/o State of Texas

Mr. French's expected testimony will include but not be limited to the role and activities of the TWDB, Texas regional and state water use and planning, Texas groundwater administration, groundwater use in the El Paso Valley, and issues raised and matters discussed in their depositions if applicable.

**Anticipated Time on Direct Examination: 1 Hour**

- 16. John Longworth, P.E.**  
Senior Engineering Executive, New Mexico Office of the State Engineer  
Former Director of the New Mexico Interstate Stream Commission  
New Mexico Office of the State Engineer  
c/o New Mexico Office of the Attorney General

Mr. Longworth's expected testimony will include but not be limited to interstate compact administration, consumptive irrigation requirements, evapotranspiration, Lower Rio Grande water use and sources, the 2008 Operating Agreement including impacts on New Mexico water users, issues raised and matters discussed at his deposition in this matter, and responses at trial to fact or expert evidence presented.

**Anticipated Time on Direct Examination: 3 Hours**

- 17. Ryan Serrano**  
LRG Water Master  
Water Resource Allocation Program Water Rights Division  
New Mexico Office of the State Engineer  
c/o New Mexico Office of the Attorney General

Mr. Serrano's expected testimony will include but not be limited to his role and

experiences as the Water Master in the Lower Rio Grande, well metering, data collection and computation, water rights administration, compliance, and enforcement, water sources and use in the Lower Rio Grande, farming, agricultural, and irrigation practices in the Lower Rio Grande, water infrastructure in the Lower Rio Grande, issues raised and matters discussed in his depositions and declarations, and responses at trial to fact or expert evidence presented.

**Anticipated Time on Direct Examination: 3 Hours**

- 18. Randy Garay**  
13636 NM-187  
Arrey, NM 87930

Mr. Garay's expected testimony will include but not be limited to sources of irrigation water in New Mexico's Lower Rio Grande, impacts of the 2008 Operating Agreement, farming and plant operations, EBID operations, interactions with the OSE, the economics of New Mexico's Lower Rio Grande agriculture, and responses at trial to fact or expert evidence presented.

**Anticipated Time on Direct Examination: 1 Hour**

- 19. Sally Stahmann-Solis**  
Stahmanns Inc.  
P.O. Box 70  
San Miguel, NM 88058

Ms. Stahmann-Solis's expected testimony will include but not be limited to sources of irrigation water in New Mexico's Lower Rio Grande, impacts of the 2008 Operating Agreement, farming operations, EBID operations, interactions with the OSE, the economics of New Mexico's Lower Rio Grande agriculture, and responses at trial to fact or expert evidence presented.

**Anticipated Time on Direct Examination: 1 Hour**

In addition to the foregoing, New Mexico reserves the right to call any of the witnesses identified or disclosed by Texas, the United States, or Colorado, including designated experts. New Mexico also reserves the right to call rebuttal witnesses as necessary. Witnesses may testify, in addition to the areas listed for each witness, to any subject touched upon during their deposition, or any declaration submitted in connection with this case.

Dated: September 23, 2021

Respectfully submitted,

By: /s/ Jeffrey J. Wechsler  
Jeffrey J. Wechsler

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**OFFICE OF THE SPECIAL MASTER**

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**STATE OF NEW MEXICO’S CERTIFICATE OF SERVICE**

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This is to certify that on September 23, 2021, I caused a true and correct copy of the **State of New Mexico’s Anticipated Order of Witnesses for October 2021 Remote Trial Setting** to be served by e-mail and U.S. Mail upon the Special Master and by email upon all counsel of record and interested parties on the Service List, attached hereto.

Respectfully submitted this 23rd day of September, 2021.

*/s/ Michael A. Kopp*  
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