

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 PRELIMINARY WITNESS LIST**  
—————◆—————

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Attorney General of New Mexico  
TANIA MAESTAS  
Chief Deputy Attorney General  
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Assistant Attorney General  
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October 1, 2020

Comes now the State of New Mexico, pursuant to Appendix B of the September 6, 2018 Case Management Plan as modified by the May 5, 2020 Amended Trial Management Schedule and provides its preliminary list of the following witnesses New Mexico intends to call to testify at trial in this proceeding. The witnesses are separated according to whether they will definitely be called to testify at some point during trial ("Will-Call Witnesses"), and witnesses who may be called to testify ("May-Call Witnesses"):

**New Mexico's Will-Call Witnesses:**

**1. Richard G. Allen, Ph.D., P.E.**

c/o New Mexico Office of the Attorney General

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

**2. Margaret Barroll, Ph.D.**

c/o New Mexico Office of the Attorney General

Dr. Barroll'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 in this matter, and responses at trial to fact or expert evidence presented.

**3. Gilbert Barth, Ph.D.**

c/o New Mexico Office of the Attorney General

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

**4. John Carron, Ph.D.**

c/o New Mexico Office of the Attorney General

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

5. **John D'Antonio, P.E.**  
New Mexico State Engineer, Rio Grande Compact Commissioner for New Mexico  
New Mexico Office of the State Engineer  
c/o New Mexico Office of the Attorney General

Mr. D'Antonio's expected testimony will include but not be limited to his duties and obligations as New Mexico State Engineer and as New Mexico Commissioner to the Rio Grande Compact Commission, water rights and water rights administration, interstate compact administration and management, Rio Grande Compact Commission authority and actions, New Mexico rights and obligations under the Rio Grande Compact, Compact allocation, historic operations of the Rio Grande Compact and Rio Grande Project, interactions with the United States and Texas regarding water issues, impacts of the 2008 Operating Agreement, impacts and implications of the 2011 Credit Water Release, injuries sustained and/or damages incurred by New Mexico, issues raised and matters discussed in his deposition, and responses at trial to fact or expert evidence presented.

6. **Dana Hoag, Ph.D.**  
c/o New Mexico Office of the Attorney General

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

7. **David Jordan, M.S., P.E.**  
c/o New Mexico Office of the Attorney General

Mr. Jordan's expected testimony will include but not be limited to issues raised and matters and opinions discussed in his expert reports and disclosures, supplemental disclosures, depositions in this matter, and responses at trial to fact or expert evidence presented.

8. **Steve Larson, M.S., P.H.**  
c/o New Mexico Office of the Attorney General

Mr. Larson's expected testimony will include but not be limited to issues raised and matters and opinions discussed in his and Gilbert Barth's expert reports and disclosures, supplemental disclosures, depositions in this matter, and responses at trial to fact or expert evidence presented.

9. **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 impacts of the 2008 Operating Agreement on New Mexico water users, and responses at trial to fact or expert evidence presented.

**10. Estevan Lopez, P.E.**

c/o New Mexico Office of the Attorney General

Mr. Lopez's expected testimony will include but not be limited issues raised and matters and opinions discussed in his expert reports and disclosures, supplemental disclosures, depositions in this matter, and responses at trial to fact or expert evidence presented.

**11. Dan Morrissey, M.S., RPG**

c/o New Mexico Office of the Attorney General

Mr. Morrissey's expected testimony will include but not be limited to issues raised and matters and opinions discussed in his expert reports and disclosures, supplemental disclosures, depositions in this matter, and responses at trial to fact or expert evidence presented.

**12. Lewis Munk, Ph.D.**

c/o New Mexico Office of the Attorney General

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

**13. 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 as Director of the Interstate Stream Commission, his role as the Rio Grande Bureau Chief, the role of the Interstate Stream Commission in New Mexico water administration, interstate compact administration, credit water releases, the relationship between the Rio Grande Compact Commission and the Rio Grande Project, the role of the Engineer Advisors to the Rio Grande Compact Commission, 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 responses at trial to fact or expert evidence presented.

- 14. 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 the role of the Water Master in the Lower Rio Grande, well metering, data collection and computation, water rights compliance and enforcement, water sources and use in the Lower Rio Grande, issues raised and matters discussed in his depositions, and responses at trial to fact or expert evidence presented.

- 15. Steve Setzer, M.S., P.E.**  
c/o New Mexico Office of the Attorney General

Mr. Setzer's expected testimony will include but not be limited to issues raised and matters and opinions discussed in his expert reports and disclosures, supplemental disclosures, depositions in this matter, and responses at trial to fact or expert evidence presented.

- 16. Chuck Spalding, M.S., PG**  
c/o New Mexico Office of the Attorney General

Mr. Spalding's expected testimony will include but not be limited to issues raised and matters and opinions discussed in his expert reports and disclosures, supplemental disclosures, depositions in this matter, and responses at trial to fact or expert evidence presented.

- 17. 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 in this matter, and responses at trial to fact or expert evidence presented.

- 18. Greg Sullivan, M.S., P.E.**  
c/o New Mexico Office of the Attorney General

Mr. Sullivan's expected testimony will include but not be limited to issues raised and matters and opinions discussed in his expert reports and disclosures, supplemental disclosures, depositions in this matter, and responses at trial to fact or expert evidence presented.

- 19. Bryan Thoreson, Ph.D., P.E.**  
c/o New Mexico Office of the Attorney General

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

- 20. Heidi Welsh, P.H.**  
c/o New Mexico Office of the Attorney General

Ms. Welsh'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 in this matter, and responses at trial to fact or expert evidence presented.

- 21. 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 reports and disclosures, supplemental disclosures, depositions in this matter, and responses at trial to fact or expert evidence presented.

**New Mexico's May-Call Witnesses:**

- 22. John Balliew**  
President/CEO  
El Paso Water Utilities  
1154 Hawkins Blvd.  
El Paso, TX 79925

Mr. Balliew's expected testimony will include but not be limited to operation of the El Paso Water Utilities' water system, contracts between El Paso Water Utilities, EPCWID and the Bureau of Reclamation, subjects identified in the expert disclosure by Texas, and issues raised and matters and opinions discussed in his deposition.

- 23. Al Blair**  
Engineer Consultant to EPCWID  
c/o State of Texas (EPCWID)

Mr. Blair's expected testimony will include but not be limited to technical analyses of the Rio Grande Project operations including allocation, accounting, and delivery both prior to 2006 and after, hydrologic analyses of the Rio Grande Project water system, maintenance of the Rio Grande channel, negotiations of and considerations for operating agreements through the years, relationship between EPCWID and EBID, evaluation and implementation of the 2008 Operating Agreement, impacts of the 2009 Operating Agreement, subjects identified in the expert disclosures by Texas and the United States, and issues raised and matters and opinions discussed in his depositions.

**24. Bureau of Reclamation representatives**  
(Carolyn Donnelly, Dagmar Llewellyn)  
c/o United States

Expected testimony by Bureau of Reclamation representatives will include but not be limited to the subject areas raised and matters discussed in their respective depositions.

**25. 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, and responses at trial to fact or expert evidence presented.

**26. Danny Chavez**  
General Manager  
71920 Texas Hwy 20 Fort Hancock, TX 79839  
Hudspeth County Conservation and Reclamation

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.

**27. Filiberto Cortez**  
Special Assistant to the Albuquerque Area Manager, former Manager, El Paso Field Office  
Bureau of Reclamation  
c/o United States

Mr. Cortez's expected testimony will include but not be limited to Rio Grande Project operations prior to 2006 and after, including allocation, accounting, and delivery, historic operating agreements and negotiations for operating agreements and analyses undertaken for such negotiations including the 2008 Operating Agreement, operation and impacts of the 2008 Operating Agreement, determination and implementation of allocation methodologies including the D1/D2 and D3 methodologies, relationship between the Bureau of Reclamation, EBID, and EPCWID, relationship between the Rio Grande Compact Commission and the Rio Grande Project, Compact credit water, issues raised and matters and opinions discussed in his depositions.

**28. Craig Cotten, P.E.**

Division Engineer for Water Division No. 3 and Rio Grande Compact  
Engineer Advisor for Colorado  
Division of Water Resources  
1313 Sherman Street, Room 818  
Denver, CO 80203

Mr. Cotten's expected testimony will include but not be limited to the proceedings and actions of the Rio Grande Compact Commission, Colorado Compact water delivery obligations, Compact credit water, groundwater pumping in the Rio Grande Compact areas, communications among the States in the context of the Rio Grande Compact Commission, effect of Rio Grande Compact resolutions and rules.

**29. Alma De Anda**

Land and Water Rights Manager  
El Paso Water Utilities  
1154 Hawkins Blvd.  
El Paso, TX 79925

Ms. De Anda's expected testimony will include but not be limited to the administration of contracts between the City of El Paso and Project water users, the management of Project water rights lands owned or leased by El Paso, and issues raised and matters discussed in her deposition.

**30. Rhonda Diaz**

Water Conservation Coordinator, City of Las Cruces  
c/o Jay Stein  
Stein & Brockmann, P.A.  
P.O. Box 2067  
Santa Fe, NM 87504

Ms. Diaz's expected testimony will include but not be limited to the City of Las Cruces' water conservation programs, issues raised and matters discussed in her deposition, and responses at trial to fact or expert evidence presented.



- 31. Edward Drusina**  
Former Commissioner, U.S. Section  
International Boundary and Water Commission  
c/o U.S. Department of Justice  
Environment & Natural Resources Division  
999 18th Street  
South Terrace – Suite 370  
Denver, Colorado 80202

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.

- 32. Elephant Butte Irrigation District Board of Directors**  
(Greg Daviet, Jerry Franzoy, Bobby Kuykendall, Joe Paul Lack, Mike McNamee, James Salopek, Sam Salopek, Robert Sloan)  
c/o EBID

Expected testimony by members of the EBID Board of Directors will include but not be limited to their roles and responsibilities as members of the EBID Board of Directors, farming, crop, and irrigation issues in the New Mexico portion of the Rio Grande Project, water order processes, water supply and sources, water quality, agricultural trends, impacts of the 2008 Operating Agreement, and issues raised in their respective depositions.

- 33. El Paso County Water Improvement District #1 Board of Directors**  
(George Brooks, Larry Ceballos, Johnny Stubbs)  
c/o State of Texas

Expected testimony by members of the EPCWID Board of Directors will include but not be limited to their roles and responsibilities as members of the EPCWID Board of Directors, farming, crop, and irrigation issues in the Texas portion of the Rio Grande Project, water order processes, water supply and sources, water quality, agricultural trends, impacts of the 2008 Operating Agreement, and issues raised in their respective depositions.

- 34. Scott Eschenbrenner**  
Special Assistant to the President  
New Mexico State University

MSC 3UGC; P.O. Box 30001  
Las Cruces, NM 88003

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, 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.

- 35. Gary Esslinger**  
Treasurer-Manager, EBID  
c/o EBID  
530 S. Melendres St.  
Las Cruces, NM 88005

Mr. Esslinger's expected testimony will include but not be limited to EBID operations, Rio Grande Project operations including allocation and accounting, water sources and usage in the Lower Rio Grande, groundwater pumping in the Lower Rio Grande, EBID relationship with the OSE, EBID relationship with EPCWID, the negotiation and operation of the 2008 Operating Agreement, New Mexico subjects identified in the expert disclosure by Texas, and issues raised and matters and opinions discussed in his depositions.

- 36. Michelle Estrada-Lopez**  
Project Manager  
Albuquerque Area Office, Bureau of Reclamation  
c/o United States

Ms. Estrada-Lopez's expected testimony will include but not be limited to Project water accounting and allocations, Compact credit water, subjects identified in the expert disclosure by the United States, and issues raised and matters and opinions discussed in her deposition.

- 37. Jennifer Faler**  
Albuquerque Area Manager, Bureau of Reclamation  
c/o United States

Ms. Faler's expected testimony will include but not be limited to interstate compact administration and accounting, Rio Grande Project operations, operation of the 2008 Operating Agreement, the roles of the Rio Grande Compact and Rio Grande Project.

- 38. Ian Ferguson**  
Hydrologic Engineer  
Bureau of Reclamation

c/o United States

Mr. Ferguson's expected testimony will include but not be limited to Rio Grande Project operations including allocation and accounting, water sources for the Rio Grande Project, impacts of the 2008 Operating Agreement, work on Lower Rio Grande modeling, involvement in Environmental Assessment and Environmental Impact Statement for the 2008 Operating Agreement, subjects identified in the expert disclosure by the United States, issues raised and matters and opinions discussed in his deposition, and responses at trial to fact or expert evidence presented.

**39. William Finn**

Supervisory Hydrologist, Chief, Water Accounting, U.S. Section  
International Boundary and Water Commission  
c/o United States

Mr. Finn'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 depositions.

**40. Shane 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.

**41. Erek Fuchs**

Groundwater Resource Analyst, EBID  
c/o EBID  
530 S. Melendres St.  
Las Cruces, NM 88005

Mr. Fuchs's expected testimony will include but not be limited to EBID groundwater management, hydrology of the Lower Rio Grande, maintenance of the Rio Grande channel, EBID interactions with the Office of the State Engineer,

subjects identified in the expert disclosure by Texas, issues raised and matters and opinions discussed in his depositions.

- 42. Jorge Garcia, Ph.D.**  
Former Director of Utilities, City of Las Cruces  
c/o Jay Stein  
Stein & Brockmann, P.A.  
P.O. Box 2067  
Santa Fe, NM 87504

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.

- 43. Mike Greene**  
Project Manager, Water Resources  
PNM Resources 414 Silver Ave. SW  
Albuquerque, NM 87102-3289

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.

- 44. Randy Guaray**  
13636 NM-187  
Arrey, NM 87930

Mr. Guaray'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.

- 45. Donald Hackey**  
1000 Kit Carson Road  
Rincon, NM 87940

Mr. Hackey's expected testimony will include but not be limited 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.

- 46. Mike A. Hamman, P.E.**  
Chief Engineer and CEO, Middle Rio Grande Conservancy District  
Former Albuquerque Area Manager, Bureau of Reclamation  
1931 Second St. SW  
Albuquerque, NM 87102

Mr. Hamman's expected testimony will include but not be limited to his role, responsibilities, and actions as the Albuquerque Area Manager for the Bureau of Reclamation, Rio Grande Project operations, allocations, and accounting, Bureau of Reclamation responsibilities as to the Rio Grande Compact, Compact credit water, and the 2008 Operating Agreement.

- 47. James Hangen**  
LRG Hydrographic Survey Manager  
Litigation and Adjudication Program  
New Mexico Office of the State Engineer  
c/o New Mexico Office of the Attorney General

Mr. Hangen's expected testimony will include but not be limited to water rights mapping, irrigated land delineation, the LRG Hydrographic Survey, his role and responsibilities in the LRG Adjudication, issues raised and matters discussed in his deposition, and responses at trial to fact or expert evidence presented.

- 48. Art Ivey**  
c/o State of Texas (EPCWID)

Mr. Ivey's expected testimony will include but not be limited to his role and responsibilities as a Board member of EPCWID, farming, crop, and irrigation issues in the Texas portion of the Rio Grande Project, water order processes, water supply and sources, water quality, agricultural trends, impacts of the 2008 Operating Agreement, subjects identified in the expert disclosure by Texas, and issues raised and matters and opinions discussed in his depositions.

- 49. Phillip King, Ph.D.**  
Engineer Consultant to EBID  
c/o EBID  
530 S. Melendres St.  
Las Cruces, NM 88005

Dr. King is expected to testify regarding technical analyses of the Rio Grande Project, Rio Grande Project operations including allocation and accounting, and agricultural practices both prior to 2006 and after, hydrology of the waters systems within the Rio Grande Project, conjunctive use by EBID constituents, maintenance of the Rio Grande river channel, relationship of EBID and EPCWID,

subjects identified in the expert disclosure by Texas and the United States, and issues raised and matters and opinions discussed in his depositions.

**50. Andrea Mendoza**

District IV Manager  
Water Resource Allocation Program, Water Rights Division  
New Mexico Office of the State Engineer  
c/o New Mexico Office of the Attorney General

Ms. Mendoza's expected testimony will include but not be limited water rights and water rights administration in the Lower Rio Grande, issues raised and matters discussed in her deposition, and responses at trial to fact or expert evidence presented

**51. Kevin Rein, P.E.**

State Engineer and Rio Grande Compact Commissioner for Colorado  
Division of Water Resources  
1313 Sherman Street, Room 818  
Denver, CO 80203

Mr. Rein's expected testimony will include but not be limited to the proceedings and actions of the Rio Grande Compact Commission, Colorado Compact water delivery obligations, Compact credit water, communications among the States in the context of the Rio Grande Compact Commission, effect of Rio Grande Compact resolutions and rules.

**52. Scott Reinert, PE**

Water Resources Manager, El Paso Water Utilities  
1154 Hawkins Blvd.  
El Paso, TX 79925

Mr. Reinert's expected testimony will include but not be limited to the operation of El Paso Water Utilities' water system, groundwater modeling in the Hueco Bolson in Texas, impacts of groundwater pumping in Texas and Mexico, and issues raised and matters discussed in his deposition.

**53. Jesus Reyes**

General Manager, EPCWID  
c/o State of Texas

Mr. Reyes's expected testimony will include but not be limited to his role and responsibilities at EPCWID, farming, crop, and irrigation issues in the Texas portion of the Rio Grande Project, water order processes, water supply and sources, water quality, agricultural trends, impacts of the 2008 Operating Agreement, and issues raised and matters discussed in his depositions.

- 54. Robert Rios**  
Water Master, EPCWID  
c/o State of Texas

Mr. Rios's expected testimony will include but not be limited to his duties and responsibilities at EPCWID, and issues raised and matters discussed in his deposition.

- 55. John Romero**  
Director, Water Rights Division  
Water Resource Allocation Program  
New Mexico Office of the State Engineer  
c/o New Mexico Office of the Attorney General

Mr. Romero's expected testimony will include but not be limited to the structure and role of the Water Rights Division and the Water Resource Allocation Program, the WATERS database, water rights administration in New Mexico, issues raised and matters discussed in his deposition, and responses at trial to fact or expert evidence presented.

- 56. 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.

- 57. Herman Settemeyer**  
Former Engineer Advisor to the Texas Commissioner of the Rio Grande Compact Commission  
c/o State of Texas

Mr. Settemeyer's expected testimony will include but not be limited to the proceedings and actions of the Rio Grande Compact Commission, Compact credit water, groundwater pumping in the Rio Grande Compact areas, communications among the States in the context of the Rio Grande Compact Commission, effect of Rio Grande Compact resolutions and rules, the role of the Engineer Advisors to the Rio Grande Compact, and issues raised and matters discussed in his deposition.

- 58. Nabil Shafike**  
Former Rio Grande Bureau Technical Lead, New Mexico Interstate Stream Commission

c/o United States (Army Corps of Engineers)

Mr. Shafike's expected testimony will include but not be limited to interstate compact administration and accounting, modeling of the Lower Rio Grande water systems, Rio Grande Project operations and allocations, the impacts of the 2008 Operating Agreement.

- 59. New Mexico Office of the State Engineer: Former State Engineers / Former New Mexico Rio Grande Compact Commissioners**  
(Tom Blaine, Eluid Martinez, Tom Turney, Scott Verhines)  
c/o New Mexico Office of the Attorney General

Expected testimony by New Mexico's former State Engineers / Compact Commissioners may include but not be limited to water resource management, water rights administration, the role of the Rio Grande Compact Commission and Commissioners, communications with Texas and the United States regarding water management issues, impacts of the 2008 Operating Agreement, issues raised and matters discussed in deposition if taken, and responses at trial to fact or expert evidence presented.

- 60. Hal Simpson, P.E.**  
Federal Representative, Rio Grande Compact Commission  
Former Colorado State Engineer and Rio Grande Compact Commissioner for Colorado  
5967 S. Birch Way  
Centennial, CO 80121

Mr. Simpson's expected testimony will include but not be limited the proceedings and actions of the Rio Grande Compact Commission, member States' Compact water delivery obligations, Compact credit water, groundwater pumping in the Rio Grande Compact areas, communications among the States in the context of the Rio Grande Compact Commission, effect of Rio Grande Compact resolutions and rules, history and intent of the Rio Grande Compact, Compact allocation.

- 61. Sally Spener**  
Foreign Affairs Officer, U.S. Section  
International Boundary and Water Commission  
c/o United States

Ms. Spener's expected testimony will include but not be limited to Mexico water use and operations, the effects of the 2008 Operating Agreement on Treaty obligations to Mexico, 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 her deposition.

**62. 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.

**63. John Stomp**

Chief Operating Officer  
Albuquerque Bernalillo County Water Utility Authority  
c/o James C. Brockmann  
Stein & Brockmann, P.A.  
P.O. Box 2067  
Santa Fe, NM 87504

Mr. Stomp's expected testimony may 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, issues raised and matters discussed in his deposition, and responses at trial to fact or expert evidence presented.

**64. Mike Sullivan, P.E.**

Division Engineer for Water Division No. 3 and Rio Grande Compact  
Engineer Advisor for Colorado  
Colorado Division of Water Resources  
1313 Sherman Street, Room 818  
Denver, CO 80203

Mr. Sullivan's expected testimony will include but not be limited to the proceedings and actions of the Rio Grande Compact Commission, Colorado Compact water delivery obligations, Compact credit water, groundwater pumping in the Rio Grande Compact areas, communications among the States in the context of the Rio Grande Compact Commission, effect of Rio Grande Compact resolutions and rules.

- 65. Texas Commission on Environmental Quality representatives**  
(Kathy Alexander, Robyn Cypher, Cari Michele La Callie, Kelly Mills)  
c/o State of Texas

Expected testimony by any of these witnesses will include but not be limited to issues raised and matters discussed in their respective depositions.

- 66. Texas Water Development Board representatives**  
(Larry French, Temple McKinnon, Carlos Rubenstein)  
c/o State of Texas

Expected testimony by any of these witnesses will include but not be limited to the role and activities of the TWDB, Texas regional and state water use and planning, and issues raised and matters discussed in their depositions if applicable.

- 67. Cheryl Thacker**  
Water Rights Manager, District IV  
Water Resource Allocation Program, Water Rights Division  
New Mexico Office of the State Engineer  
c/o New Mexico Office of the Attorney General

Ms. Thacker's expected testimony will include but not be limited water rights and water rights administration in the Lower Rio Grande, issues raised and matters discussed in her deposition, and responses at trial to fact or expert evidence presented.

- 68. Wayne Treers**  
Former Acting Manager, Former Chief, Water Operations Division  
Bureau of Reclamation, El Paso Field Office,  
c/o United States

Mr. Treers' expected testimony will include but not be limited to Rio Grande Project operations, including allocation, accounting, and delivery, historic operating agreements and negotiations for operating agreements and analyses undertaken for such negotiations including the 2008 Operating Agreement, operation and impacts of the 2008 Operating Agreement, determination and implementation of allocation methodologies including the D1/D2 and D3 methodologies, relationship between the Bureau of Reclamation, EBID, and EPCWID, relationship between the Rio Grande Compact Commission and the Rio Grande Project, Compact credit water, and relationship between the Bureau of Reclamation and the International Boundary and Water Commission.

- 69. Steve Vandiver, P.E.**  
Former Division Engineer  
Colorado Division of Water Resources

1313 Sherman Street, Room 818  
Denver, CO 80203

Mr. Vandiver's expected testimony will include but not be limited to the proceedings and actions of the Rio Grande Compact Commission, Colorado Compact water delivery obligations, Compact credit water, groundwater pumping in the Rio Grande Compact areas, communications among the States in the context of the Rio Grande Compact Commission, effect of Rio Grande Compact resolutions and rules.

- 70. Brent Westmoreland**  
CRRUA Executive Director  
Gadsden Administrative Complex  
4950 McNutt Rd.  
Sunland Park, NM 88063

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.

- 71. Adrienne Widmer**  
City of Las Cruces  
c/o Jay Stein  
Stein & Brockmann, P.A.  
P.O. Box 2067  
Santa Fe, NM 87504

Ms. Widmer's expected testimony will include but not be limited to the City of Las Cruces' water rights permits, utility operations, issues raised and matters discussed in her deposition, and responses at trial to fact or expert evidence presented.

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. 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. New Mexico reserves the right to designate rebuttal or impeachment witnesses, as necessary.

Respectfully submitted: October 1, 2020.

/s/ Jeffrey Wechsler  
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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 CERTIFICATE OF SERVICE**

This is to certify that on the 1st of October, 2020, I caused a true and correct copy of the **State of New Mexico's Preliminary Witness List** to be served by e-mail on all counsel of record and interested parties on the Service List, attached hereto.

Respectfully submitted this 1st day of October, 2020.

*/s/ Michael A. Kopp*

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