

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 SECOND REVISED ANTICIPATED ORDER OF
WITNESSES FOR OCTOBER 2021 REMOTE TRIAL SETTING**

HECTOR H. BALDERAS
New Mexico Attorney General
TANIA MAESTAS
Deputy Attorney General
CHOLLA KHOURY
Assistant Attorney General
ZACHARY E. OGAZ
Assistant Attorney General
P.O. Drawer 1508
Santa Fe, New Mexico 87501
505-239-4672

MARCUS J. RAEL, JR.*
LUIS ROBLES
SUSAN BARELA
Special Assistant Attorneys General
Robles Rael & Anaya
500 Marquette Ave NW #700
Albuquerque, NM 87102
marcus@roblesrael.com
505-242-2228

**Counsel of Record*

October 27, 2021

The State of New Mexico, pursuant to the September 16, 2021, Order Regarding Remote Trial Protocol, provides the following revised and updated 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 remaining witnesses and indicates New Mexico’s anticipated amount of time for direct testimony. The witness order has been modified from the State of New Mexico’s Revised Anticipated Order of Witnesses for October 2021 Remote Trial Setting, filed on October 15, 2021 [Dkt. 631] as follows:

1. To account for the continued cross examination of Rolf Schmidt-Petersen;
2. To account for the continued cross examination of Dr. Jennifer Stevens;
3. To add Friday, November 5 to the trial schedule;
4. To strike hostile witness Ed Drusina based on agreement with counsel for the United States, Texas, and Colorado;
5. To accommodate witness availability.

The order of witnesses may further change as necessary to accommodate witness availability. The descriptions of anticipated trial testimony remain the same as described on September 23, 2021 [Dkt. 599].

WITNESS ORDER FROM NOV. 1	WITNESS	ANTICIPATED HOURS OF DIRECT EXAMINATION
1	Rolf Schmidt-Petersen (continued cross examination)	0
2	Jennifer Stevens (continued cross examination)	0
3	David Salopek	2
4	Gregory M. Carrasco	2
5	Shayne Franzoy	1

6	Jorge Garcia, Ph.D.	2
7	Scott Eschenbrenner	2
8	Mike Greene	2
9	Daniel Chavez (hostile witness)	1
10	Kelly Mills (hostile witness)	1
11	Larry French (hostile witness)	1
12	John Stomp	1
13	Brent Westmoreland	1.5
14	John Longworth, P.E.	3
15	Ryan Serrano	4
16	Randy Garay	1
17	Sally Stahmann-Solis	1

Dated: October 27, 2021

Respectfully submitted,

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

HECTOR H. BALDERAS
New Mexico Attorney General
TANIA MAESTAS
Deputy Attorney General
CHOLLA KHOURY
Assistant Attorney General
ZACHARY E. OGAZ
Assistant Attorney General
P.O. Drawer 1508
Santa Fe, New Mexico 87501
505-239-4672

JEFFREY J. WECHSLER
Special Assistant Attorney General
KALEB W. BROOKS
MONTGOMERY & ANDREWS, P.A.
325 Paseo de Peralta
Santa Fe, NM 87501
jwechsler@montand.com

JOHN B. DRAPER
Special Assistant Attorney General
CORINNE E. ATTON
DRAPER & DRAPER LLC
325 Paseo de Peralta
Santa Fe, NM 87501
john.draper@draperllc.com
505-570-4591

MARCUS J. RAEL, JR.*
LUIS ROBLES
SUSAN BARELA
Special Assistant Attorneys General
Robles Rael & Anaya
500 Marquette Ave NW #700
Albuquerque, NM 87102
marcus@roblesrael.com
505-242-2228

**Counsel of Record*

BENNETT W. RALEY
LISA M. THOMPSON
MICHAEL A. KOPP
Special Assistant Attorneys General
TROUT RALEY
1120 Lincoln Street, Suite 1600
Denver, Colorado 80203
303-861-1963

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 October 27, 2021, I caused a true and correct copy of the **State of New Mexico's Second Revised 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 e-mail upon all counsel of record and interested parties on the Service List, attached hereto.

Respectfully submitted this 27th day of October, 2021.

/s/ Michael A. Kopp

Michael A. Kopp
Special Assistant Attorney General
TROUT RALEY
1120 Lincoln Street, Suite 1600
Denver, Colorado 80203
(303) 861-1963

SPECIAL MASTER

HONORABLE MICHAEL J. MELLOY

Special Master

United States Circuit Judge
111 Seventh Avenue, S.E., Box 22
Cedar Rapids, IA 52401-2101

TXvNM141@ca8.uscourts.gov
(319) 432-6080
(service via email and U.S. Mail)

MICHAEL E. GANS

Clerk of the Court

United States Court of Appeals - Eighth Circuit
Thomas F. Eagleton United States Courthouse
111 South 10th Street, Suite 24.329
St. Louis, MO 63102

TXvNM141@ca8.uscourts.gov
(314) 244-2400

MEDIATOR

HON. OLIVER W. WANGER (USDJ RET.)

WANGER JONES HELSLEY PC
265 E. River Park Circle, Suite 310
Fresno, California 93720

owanger@wjhattorneys.com
(559) 233-4800 Ext. 203

DEBORAH L. PELL (Paralegal)

dpell@whjattorneys.com

UNITED STATES

BRIAN H. FLETCHER*

Acting Solicitor General

TODD KIM

Assistant Attorney General

EDWIN S KNEEDLER

Deputy Solicitor General

FREDERICK LIU

Assistant to the Solicitor General

U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

supremectbriefs@usdoj.gov
(202)514-2217

JAMES J. DUBOIS*

R. LEE LEININGER

U.S. DEPARTMENT OF JUSTICE
Environment & Natural Resources Division
999 18th Street
South Terrace – Suite 370
Denver, Colorado 80202

james.dubois@usdoj.gov
(303) 844-1375
lee.leininger@usdoj.gov
(303) 844-1364

SETH C. ALLISON, Paralegal

Seth.allison@usdoj.gov
(303)844-7917

JUDITH E. COLEMAN
JENNIFER A. NAJJAR
U.S. DEPARTMENT OF JUSTICE
Environment & Natural Resources Division
P.O. Box 7611
Washington, D.C. 20044-7611

Judith.coleman@usdoj.gov
(202) 514-3553
jennifer.najjar@usdoj.gov
(202) 305-0476

STATE OF NEW MEXICO

HECTOR H. BALDERAS
New Mexico Attorney General
TANIA MAESTAS
Chief Deputy Attorney General
CHOLLA KHOURY
Assistant Attorney General
ZACHARY E. OGAZ
Assistant Attorney General
STATE OF NEW MEXICO

hbalderas@nmag.gov
tmaestas@nmag.gov
ckhoury@nmag.gov
zogaz@nmag.gov
psalazar@nmag.gov
jvanwiel@nmag.gov
(505) 239-4672

P.O. Drawer 1508
Santa Fe, New Mexico 87501
PATRICIA SALAZAR - Assistant
JENNIFER VAN WIEL - Paralegal

MARCUS J. RAEL, JR.*
LUIS ROBLES
SUSAN BARELA
Special Assistant Attorneys General
ROBLES, RAEL & ANAYA, P.C.
500 Marquette Avenue NW, Suite 700
Albuquerque, New Mexico 87102
CHELSEA SANDOVAL - Paralegal
PAULINE WAYLAND – Paralegal
BONNIE DEWITT – Paralegal

marcus@roblesrael.com
luis@roblesrael.com
susan@roblesrael.com
chelsea@roblesrael.com
pauline@roblesrael.com
bonnie@roblesrael.com
(505) 242-2228

BENNETT W. RALEY
LISA M. THOMPSON
MICHAEL A. KOPP
Special Assistant Attorneys General
TROUT RALEY
1120 Lincoln Street, Suite 1600
Denver, Colorado 80203

braley@troutlaw.com
lthompson@troutlaw.com
mkopp@troutlaw.com
(303) 861-1963

JEFFREY WECHSLER

jwechsler@montand.com

SHELLY L. DALRYMPLE

KALEB W. BROOKS

Special Assistant Attorney General

MONTGOMERY & ANDREWS

325 Paseo De Peralta

Santa Fe, NM 87501

DIANA LUNA – Paralegal

sdalrymple@montand.com

kwbrooks@montand.com

(505) 986-2637

dluna@montand.com

JOHN DRAPER

CORINNE ATTON

Special Assistant Attorney General

DRAPER & DRAPER LLC

325 Paseo De Peralta

Santa Fe, NM 87501

DONNA ORMEROD – Paralegal

john.draper@draperllc.com

corinne.atton@draperllc.com

(505) 570-4591

donna.ormerod@draperllc.com

STATE OF COLORADO

PHILIP J. WEISER

Attorney General of Colorado

ERIC R. OLSON

Solicitor General

LAIN LEONIAK

Acting First Assistant Attorney General

CHAD M. WALLACE*

Senior Assistant Attorney General

PRESTON V. HARTMAN

Assistant Attorney General

COLORADO DEPARTMENT OF LAW

Ralph Carr Judicial Center

7th Floor

1300 Broadway

Denver, CO 80203

NAN EDWARDS, Paralegal II

eric.olson@coag.gov

chad.wallace@coag.gov

(720) 508-6281 (direct)

preston.hartman@coag.gov

(720) 508-6257 (direct)

nan.edwards@coag.gov

STATE OF TEXAS

STUART SOMACH*

ANDREW M. HITCHINGS

ROBERT B. HOFFMAN

FRANCIS M. GOLDSBERRY II

THERESA C. BARFIELD

SARAH A. KLAHN

BRITTANY K. JOHNSON

RICHARD S. DEITCHMAN

SOMACH SIMMONS & DUNN, PC

ssomach@somachlaw.com

ahitchings@somachlaw.com

rhoffman@somachlaw.com

mgoldsberry@somachlaw.com

tbarfield@somachlaw.com

sklahn@somachlaw.com

bjohnson@somachlaw.com

rdeitchman@somachlaw.com

(916) 446-7979

500 Capital Mall, Suite 1000
Sacramento, CA 95814-2403
CORENE RODDER - Secretary
CRYSTAL RIVERA - Secretary
YOLANDA DE LA CRUZ - Paralegal

(916) 803- 4561 (cell)

crodder@somachlaw.com
crivera@somachlaw.com
ydelacruz@somachlaw.com

KEN PAXTON

Attorney General of Texas

BRENT WEBSTER

First Assistant Attorney General

GRANT DORFMAN

Deputy First Assistant Attorney General

SHAWN COWLES

Deputy Attorney General for Civil Litigation

WILLIAM F. COLE

Assistant Solicitor General

BEAU CARTER

Assistant Solicitor General

PRISCILLA M. HUBENAK

Chief, Environmental Protection Division

OFFICE OF ATTORNEY GENERAL

OF TEXAS

P.O. Box 12548

Austin, TX 78711-2548

(512) 463-2012

(512) 457-4644 Fax

Priscilla.Hubenak@oag.texas.gov

AMICI / FOR INFORMATIONAL PURPOSES ONLY

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

JAMES C. BROCKMANN*

(505) 983-3880

JAY F. STEIN

jcbrockmann@newmexicowaterlaw.com

STEIN & BROCKMANN, P.A.

jfstein@newmexicowaterlaw.com

P.O. Box 2067

administrator@newmexicowaterlaw.com

Santé Fe, New Mexico 87504

Administrative Copy

PETER AUH

(505) 289-3092

ALBUQUERQUE BERNALILLO COUNTY

pauh@abcwua.org

WATER UTILITY AUTHORITY

P.O. Box 568

Albuquerque, NM 87103-0568

CITY OF EL PASO

DOUGLAS G. CAROOM*
SUSAN M. MAXWELL
BICKERSTAFF HEATH DELGADO
ACOSTA, LLP
2711 S. MoPac Expressway
Building One, Suite 300
Austin, TX 78746

(512) 472-8021
dcaroom@bickerstaff.com
smaxwell@bickerstaff.com

CITY OF LAS CRUCES

JAY F. STEIN *
JAMES C. BROCKMANN
STEIN & BROCKMANN, P.A.
P.O. Box 2067
Santé Fe, New Mexico 87504
Administrative Copy

(505) 983-3880
jbrockmann@newmexicowaterlaw.com
jfstein@newmexicowaterlaw.com
administrator@newmexicowaterlaw.com

JENNIFER VEGA-BROWN
ROBERT CABELLO
LAW CRUCES CITY ATTORNEY'S OFFICE
P.O. Box 20000
Las Cruces, New Mexico 88004

(575) 541-2128
jvega-brown@las-cruces.org
rcabello@las-cruces.org

ELEPHANT BUTTE IRRIGATION DISTRICT

SAMANTHA R. BARNCastle*
BARNCastle LAW FIRM, LLC
1100 South Main, Suite 20 (88005)
P.O. Box 1556
Las Cruces, NM 88004
JANET CORRELL – Paralegal

(575) 636-2377
(575) 636-2688 (fax)
samantha@h2o-legal.com
janet@h2o-legal.com

EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. 1

MARIA O'BRIEN*
SARAH M. STEVENSON
MODRALL, SPERLING, ROEHL, HARRIS
& SISK, PA
500 Fourth Street N.W., Suite 1000
Albuquerque, New Mexico 87103-2168
CHARLIE PADILLA – Legal Assistant

(505) 848-1803 (direct)
mobrien@modrall.com
sarah.stevenson@modrall.com
charliep@modrall.com

RENEA HICKS
LAW OFFICE OF MAX RENE HICKS
P.O.Box 303187

rhicks@renea-hicks.com
(512)480-8231

Austin, TX 78703-0504

HUDSPETH COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 1

ANDREW S. “DREW” MILLER*
KEMP SMITH LLP
919 Congress Avenue, Suite 1305
Austin, TX 78701

(512) 320-5466
dmiller@kempsmith.com

STATE OF KANSAS

DEREK SCHMIDT
Attorney General of Kansas
JEFFREY A. CHANAY
Chief Deputy Attorney General
TOBY CROUSE*
Solicitor General of Kansas
BRYAN C. CLARK
Assistant Solicitor General
DWIGHT R. CARSWELL
Assistant Attorney General
120 S. W. 10th Ave., 2nd Floor
Topeka, KS 66612

(785) 296-2215
toby.crouse@ag.ks.gov
bryan.clark@ag.ks.gov

NEW MEXICO PECAN GROWERS

TESSA T. DAVIDSON*
DAVIDSON LAW FIRM, LLC
4206 Corrales Road
P.O. Box 2240
Corrales, NM 87048
JO HARDEN – Paralegal

ttd@tessadavidson.com
(505) 792-3636

jo@tessadavidson.com

NEW MEXICO STATE UNIVERSITY

JOHN W. UTTON*
UTTUN & KERY, P.A.
P.O. Box 2386
Santa Fe, New Mexico 87504

(505) 699-1445
john@uttonkery.com

General Counsel
New Mexico State University
Hadley Hall Room 132
2850 Weddell Road
Las Cruces, NM 88003

gencounsel@nmsu.edu
(575) 646-2446

SOUTHERN RIO GRANDE DIVERSIFIED CROP FARMERS ASSOCIATION

ARNOLD J. OLSEN*

HENNIGHAUSEN OLSEN & MCCREA, L.L.P.

P.O. Box 1415

Roswell, NM 88202-1415

Malina Kauai, Paralegal

Rochelle Bartlett, Legal Assistant

(575) 624-2463

ajolsen@h2olawyers.com

mkauai@h2olawyers.com

rbartlett@h2olawyers.com