

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 NOTICE OF EXHIBIT
DISCLOSURES AND OBJECTIONS FOR
DAVID SALOPEK**

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October 31, 2021

In response to the Special Master's September 16, 2021 Order Regarding Remote Trial Protocols, the State of New Mexico provides the following exhibit disclosures and objections for David Salopek. As of this filing, the parties anticipate that Mr. Salopek will testify on November 1 or 2, 2021. Accordingly, the State of New Mexico provides the following:

Attachment 1: The David Salopek direct-examination exhibit index, which identifies the States of Texas's and the United States of America's objections. Note that there is no attachment addressing objections to cross examination exhibits because there are no such objections.

All exhibits, indexes, and related exhibits have been uploaded to Box.com and are available for the parties to access and download.

Dated: October 31, 2021

Respectfully submitted,

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

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STATE OF NEW MEXICO'S CERTIFICATE OF SERVICE

This is to certify that on this 31st day of October, 2021, I caused a true and correct copy of **THE STATE OF NEW MEXICO'S NOTICE OF EXHIBIT DISCLOSURES AND OBJECTIONS FOR DAVID SALOPEK** to be served upon all parties and *amici curiae*, by and through the attorneys of record and/or designated representatives for each party and *amicus curiae* in this original action. As permitted by order of the Special Master, and agreement among the parties, service was effected by electronic mail to those individuals listed on the attached service list, which reflects all updates and revisions through the current date.

Respectfully submitted,

Dated: October 31, 2021

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HONORABLE MICHAEL J. MELLOY

Special Master

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Trial Exhibit	TrialExno	ProdBeg	ProdEnd	Date	Subject/Title	Category (A, B, C)	Category B Objections (Cite Fed. R. Evid.)	Category C Objections (Cite Fed. R. Evid.)	Notes
JT	JT-0421	Esslinger-DepoEX0030_00001	Esslinger-DepoEX0030_00002	1/1/2007	Irrigation Information	A			
JT	JT-0474	NM_EX-541_0001	NM_EX-541_0026	8/22/2011	Final Judgment, State of New Mexico ex rel. Office of the State Engineer v. Elephant Butte Irrigation District, CV-96-888 In the Third Judicial District, Dona Ana County, State of New Mexico (SS101 LRG Adjudication Order)	A			
NM	NM-0984	NM_00474159	NM_00474162	6/23/2021	David Salopek Farms KWh Usage 1993-2020	B	TX & US Object - Fed. R. Evid. 403 - Unfair Prejudice, Misleading; Fed. R. Evid. 701, 702 -- Improper expert testimony by lay witness		
NM	NM-0990			12/1/2020	David Salopek Farms WATER USAGE RECAP 2020	B	TX & US Object - Fed. R. Evid. 403 - Unfair Prejudice, Misleading; Fed. R. Evid. 701, 702 -- Improper expert testimony by lay witness		
NM	NM-1963	NM2_00057063	NM2_00057068	10/1/2008	Surface Water Opportunities in New Mexico, New Mexico Water Resources Research Institute	See note			Admitted as TX-0139. No objection to substitution of TX-0139.

NM	NM-2077	SALOPEK_000 00226	SALOPEK_000 00226	1/1/2011	David Salopek Farms Well 303 Irrigation Dates	B	TX & US Object - Fed. R. Evid. 403 - Unfair Prejudice, Misleading; Fed. R. Evid. 701, 702 -- Improper expert testimony by lay witness		
NM	NM-DEMO- 032	NM-DEMO- 032	NM-DEMO- 032		Salopek Main Farm Today	A			
NM	NM-DEMO- 033	NM-DEMO- 033	NM-DEMO- 033		Salopek Original Main Farm	A			
NM	NM-DEMO- 034	NM-DEMO- 034	NM-DEMO- 034		David Salopek Farms Operations	A			
NM	TX-0139	TX_DEPO-EX- 00032925	TX_DEPO-EX- 00032930	10/1/2008	Surface Water Opportunities in New Mexico, New Mexico Water Resources Research Institute	A			