

No. 141, Original

IN THE  
SUPREME COURT OF THE UNITED STATES

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STATE OF TEXAS,

*Plaintiff,*

v.

STATE OF NEW MEXICO and  
STATE OF COLORADO,

*Defendants.*

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**OFFICE OF THE SPECIAL MASTER**

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**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.

**Attachment 2:** The David Salopek cross-examination exhibit index, which identifies the State of New Mexico's objections. Note that there are no objections to these exhibits.

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  
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◆  
\_\_\_\_\_  
**OFFICE OF THE SPECIAL MASTER**

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◆  
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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 REVISED 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,

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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_0005706 3	NM2_0005706 8	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			

New Mexico Objections to TX and US Cross Examination Exhibits for David Salopek

Trial Exhibit	Trial Exhibit	ProdBeg	ProdEnd	Date	Subject/Title	Category	Category B Objections	Category C Objections	Notes
NM	NM-0470	NM_00075929	NM_00075964	11/23/2006	New Mexico Pecan Growers Comments on the Proposed AWRM rules 2006	A			
NM	NM-0600	NM_00203902	NM_00203902	1/3/2007	Meeting with Governor and NM Pecan Growers	A			
NM	NM-0602	NM_00203916	NM_00203917	3/17/2008	NMPG Announces Settlement Agreement with New Mexico State Engineer	A			
NM	NM-0689	NM_0294491	NM_0294494	12/11/2006	OSE response to NMPG comments on AWRM draft rules and regulations	A			