

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

**THE STATE OF TEXAS'S NOTICE OF EXHIBIT
DISCLOSURES AND OBJECTIONS**

STUART L. SOMACH, ESQ.*
ANDREW M. HITCHINGS, ESQ.
ROBERT B. HOFFMAN, ESQ.
FRANCIS M. GOLDSBERRY II, ESQ.
THERESA C. BARFIELD, ESQ.
SARAH A. KLAHN, ESQ.
BRITTANY K. JOHNSON, ESQ.
RICHARD S. DEITCHMAN, ESQ.
SOMACH SIMMONS & DUNN, PC
500 Capitol Mall, Suite 1000
Sacramento, CA 95814
Telephone: 916-446-7979
ssomach@somachlaw.com

**Counsel of Record*

October 10, 2021

In response to the Special Master's September 16, 2021 Order regarding Remote Trial Proceedings, the State of Texas provides the following exhibit disclosures and objections for Dr. Al Blair. As of this filing, the parties anticipate that Dr. Al Blair is expected to testify on October 11, 2021. Accordingly, the State of Texas provides the following:

Attachment 1: The Dr. Al Blair direct-examination exhibit index, which identifies the State of New Mexico and State of Colorado's objections.

Please note that New Mexico has not disclosed any cross-examination exhibits for Dr. Al Blair at this time.

All exhibits, indexes, and related exhibits have been uploaded to Box.com and are available for the parties to access and download. In an effort to resolve these objections, the parties have met and conferred in good faith.

Respectfully submitted,

Dated: October 10, 2021

s/ Stuart L. Somach
STUART L. SOMACH, ESQ.*
ANDREW M. HITCHINGS, ESQ.
ROBERT B. HOFFMAN, ESQ.
FRANCIS M. GOLDSBERRY II, ESQ.
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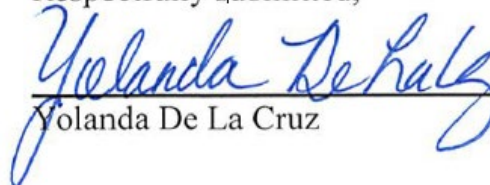
Defendants.

OFFICE OF THE SPECIAL MASTER

CERTIFICATE OF SERVICE

This is to certify that on this 10th day of October 2021, I caused a true and correct copy of **THE STATE OF TEXAS'S NOTICE OF EXHIBIT DISCLOSURE AND OBJECTIONS** 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,


Yolanda De La Cruz

Dated: October 10, 2021

SERVICE LIST FOR ALL PARTIES AND AMICI CURIAE

—◆—
SPECIAL MASTER

Special Master	Honorable Michael J. Melloy <i>Special Master</i> United States Circuit Judge 111 Seventh Avenue, S.E. Box 22 Cedar Rapids, IA 52401 Michael E. Gans, Clerk of 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 (319) 432-6080 TXvNM141@ca8.uscourts.gov (314) 244-2400
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PARTIES
 (Service via Electronic Mail)

PARTIES¹

STATE	ATTORNEY & ADDRESS	PHONE & EMAIL
Texas	<p>STUART L. 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 500 Capitol Mall, Suite 1000 Sacramento, CA 95814-2403</p> <p>KEN PAXTON <i>Attorney General of Texas</i> BRENT WEBSTER <i>First Assistant Attorney General</i> GRANT DORFMAN <i>Deputy First Assistant Attorney General</i> SHAWN COWLES <i>Deputy Attorney General for Civil Litigation</i> WILLIAM F. COLE <i>Assistant Solicitor General</i> BEAU CARTER <i>Assistant Solicitor General</i> PRISCILLA M. HUBENAK* <i>Chief, Environmental Protection Div.</i> OFFICE OF THE ATTORNEY GENERAL OF TEXAS P.O. Box 12548 Austin, TX 78711-2548</p>	<p>(916) 446-7979 ssomach@somachlaw.com ahitchings@somachlaw.com rhoffman@somachlaw.com mgoldsberry@somachlaw.com tbarfield@somachlaw.com sklahn@somachlaw.com bjohnson@somachlaw.com rdeitchman@somachlaw.com</p> <p>Secretary: Corene Rodder crodder@somachlaw.com Secretary: Crystal Rivera crivera@somachlaw.com Paralegal: Yolanda De La Cruz ydelacruz@somachlaw.com</p> <p>(512) 463-2012 (512) 457-4644 Fax</p> <p>priscilla.hubenak@oag.texas.gov</p>

¹ (*) = *Counsel of Record*

In the Supreme Court of the United States, Original No. 141
State of Texas v. State of New Mexico and State of Colorado

New Mexico	<p>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 P.O. Drawer 1508 Santa Fe, NM 87501 Patricia Salazar – Assistant Jennifer Van Wiel - Paralegal</p> <p>MARCUS J. RAEL, JR. * LUIS ROBLES SUSAN BARELA Special Assistant Attorneys General ROBLES, RAEL & ANAYA, P.C. 500 Marquette Ave. NW, Suite 700 Albuquerque, NM 87102 Chelsea Sandoval-Firm Administrator Pauline Wayland – Paralegal Bonnie DeWitt – Paralegal</p> <p>BENNET W. RALEY LISA M. THOMPSON MICHAEL A. KOPP Special Assistant Attorneys General TROUT RALEY 1120 Lincoln St., Suite 1600 Denver, CO 80203</p> <p>JEFFREY WECHSLER SHELLY L. DALRYMPLE KALEB W. BROOKS Special Assistant Attorney General MONTGOMERY & ANDREWS 325 Paseo De Peralta Santa Fe, NM 87501 Diana Luna - Paralegal</p>	<p>hbalderas@nmag.gov tmaestas@nmag.gov ckhoury@nmag.gov zogaz@nmag.gov (505) 239-4672 psalazar@nmag.gov jvanwiel@nmag.gov (505) 239-4672</p> <p>marcus@roblesrael.com luis@roblesrael.com susan@roblesrael.com chelsea@roblesrael.com pauline@roblesrael.com bonnie@roblesrael.com (505) 242-2228</p> <p>braley@troutlaw.com lthompson@troutlaw.com mkopp@troutlaw.com (303) 861-1963</p> <p>jwechsler@montand.com sdalrymple@montand.com kwbrooks@montand.com dluna@montand.com (505) 986-2637</p>
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In the Supreme Court of the United States, Original No. 141
State of Texas v. State of New Mexico and State of Colorado

	<p>JOHN DRAPER CORINNE ATTON Special Assistant Attorney General DRAPER & DRAPER LLC 325 Paseo De Peralta Santa Fe, NM 87501 Donna Ormerod – Paralegal</p>	<p>john.draper@draperllc.com corinne.atton@draperllc.com donna.ormerod@draperllc.com (505) 570-4591</p>
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<p>Colorado</p>	<p>PHILIP J. WEISER Colorado Attorney General ERIC R. OLSON Colorado Solicitor General LAIN LEONIAK Acting First Asst. Attorney General CHAD M. WALLACE* Senior Assistant Attorney General PRESTON V. HARTMAN Assistant Attorney General</p> <p>COLORADO DEPARTMENT OF LAW Ralph Carr Judicial Center 7th Floor 1300 Broadway Denver, CO 80203 Nan Edwards – Paralegal II</p>	<p>eric.olson@coag.gov</p> <p>chad.wallace@coag.gov (720) 508-6281 (direct)</p> <p>preston.hartman@coag.gov (720) 508-6257 (direct)</p> <p>nan.edwards@coag.gov</p>
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State of Texas v. State of New Mexico and State of Colorado

<p>United States</p>	<p>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. DEPT. OF JUSTICE 950 Pennsylvania Ave, NW Washington, DC 20530-0001</p> <p>JAMES J. DUBOIS* R. LEE LEININGER U.S. DEPT. OF JUSTICE Environment & Natural Resources Div. 999 18th Street South Terrace – Suite 370 Denver, CO 80202 Seth C. Allison, Paralegal</p> <p>JUDITH E. COLEMAN JENNIFER A. NAJJAR U.S. DEPT. OF JUSTICE Environment & Natural Resources Div. P.O. Box 7611 Washington, DC 20044-7611</p>	<p>supremectbriefs@usdoj.gov (202) 514-2217</p> <p>james.dubois@usdoj.gov (303) 844-1375 lee.leininger@usdoj.gov (303) 844-1364</p> <p>seth.allison@usdoj.gov (303) 844-7917</p> <p>judith.coleman@usdoj.gov (202) 514-3553 jennifer.najjar@usdoj.gov (202) 305-0476</p>

AMICI

AMICI	ATTORNEY AND ADDRESS	PHONE & EMAIL
Albuquerque Bernalillo County Water Utility Authority	JAMES C. BROCKMANN* JAY F. STEIN STEIN & BROCKMANN, P.A. P.O. Box 2067 Santa Fe, NM 87504 Administrative Copy CHARLES W. KOLBERG Albuquerque Bernalillo County Water Utility Authority P.O. Box 568 Albuquerque, NM 87103-0568	jcbrockmann@newmexicowaterlaw.com jfstein@newmexicowaterlaw.com (505) 983-3880 administrator@newmexicowaterlaw.com ckolberg@abcwua.org (505) 289-3092
City of El Paso	DOUGLAS G. CAROOM* SUSAN M. MAXWELL BICKERSTAFF HEATH DELGADO ACOSTA LLP 3711 S. MoPac Expressway Building One, Suite 300 Austin, TX 78746	dcaroom@bickerstaff.com smaxwell@bickerstaff.com (512) 472-8021
City of Las Cruces	JAY F. STEIN* JAMES C. BROCKMANN STEIN & BROCKMANN, P.A. P.O. Box 2067 Santa Fe, NM 87504 Administrative Copy JENNIFER VEGA-BROWN ROBERT CABELLO LAS CRUCES CITY ATTORNEY'S OFFICE P.O. Box 20000 Las Cruces, NM 88004	jfstein@newmexicowaterlaw.com jcbrockmann@newmexicowaterlaw.com (505) 983-3880 administrator@newmexicowaterlaw.com jvega-brown@las-cruces.org rcabello@las-cruces.org (575) 541-2128

In the Supreme Court of the United States, Original No. 141
State of Texas v. State of New Mexico and State of Colorado

<p>El Paso County Water Improvement District No. 1</p>	<p>MARIA O'BRIEN* SARAH STEVENSON MODRALL, SPERLING, ROEHL, HARRIS & SISK, P.A. 500 Fourth Street N.W., Suite 1000 Albuquerque, NM 87103-2168 Charlie Padilla – Legal Assistant</p> <p>RENEA HICKS LAW OFFICE OF MAX RENEA HICKS P.O. Box 303187 Austin, TX 78703-0504</p>	<p>mobrien@modrall.com sarah.stevenson@modrall.com (505) 848-1803 (direct)</p> <p>CharlieP@modrall.com</p> <p>rhicks@renea-hicks.com (512) 480-8231</p>
<p>Elephant Butte Irrigation District</p>	<p>SAMANTHA R. BARNCASTLE* BARNCASTLE LAW FIRM, LLC 1100 South Main, Suite 20 (88005) P.O. Box 1556 Las Cruces, NM 88004 Janet Correll - Paralegal</p>	<p>samantha@h2o-legal.com (575) 636-2377 Fax: (575) 636-2688</p> <p>janet@h2o-legal.com</p>
<p>Hudspeth County Conservation and Reclamation District No. 1</p>	<p>ANDREW S. "DREW" MILLER* KEMP SMITH LLP 919 Congress Ave., Suite 1305 Austin, TX 78701</p>	<p>dmiller@kempsmith.com (512) 320-5466</p>
<p>New Mexico Pecan Growers</p>	<p>TESSA T. DAVIDSON* DAVIDSON LAW FIRM, LLC 4206 Corrales Rd. P.O. Box 2240 Corrales, NM 87048 Jo Harden - Paralegal</p>	<p>ttd@tessadavidson.com (505) 792-3636</p> <p>jo@tessadavidson.com</p>

In the Supreme Court of the United States, Original No. 141
State of Texas v. State of New Mexico and State of Colorado

<p>New Mexico State University</p>	<p>JOHN W. UTTON* UTTON & KERY, P.A. P.O. Box 2386 Santa Fe, NM 87504</p> <p>General Counsel Hadley Hall Room 132 2850 Weddell Road Las Cruces, NM 88003</p>	<p>john@uttonkery.com (505) 699-1445</p> <p>gencounsel@nmsu.edu (575) 646-2446</p>
<p>State of Kansas</p>	<p>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 Solicitor General 120 S.W. 10th Ave., 2nd Floor Topeka, KS 66612</p>	<p>toby.crouse@ag.ks.gov (785) 296-2215 bryan.clark@ag.ks.gov</p>
<p>Southern Rio Grande Diversified Crop Farmers Association</p>	<p>ARNOLD J. OLSEN* HENNIGHAUSEN OLSEN & McCREA, L.L.P. P. O. Box 1415 Roswell, NM 88202-1415</p> <p>Malina Kauai – Paralegal Rochelle Bartlett – Legal Assistant</p>	<p>ajolsen@h2olawyers.com (575) 624-2463</p> <p>mkauai@h2olawyers.com rbartlett@h2olawyers.com</p>

ATTACHMENT 1

New Mexico Objections to Al Blair Direct Testimony

Trial Exhibit No.	ProdBeg	ProdEnd	Date	Subject/Title	Category A, B, C	Category B Objections (Cite Fed. R. Evid.)	Category C Objections (Cite Fed. R. Evid.)	Objection Notes	Admit (A) (Not Admit (NA))
Blair, Al_Demo_01				Map of Elephant Butte to Fort Quitman	A				
Blair, Al_Demo_02				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_03				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_04				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_05				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_06				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_07				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_08				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_09				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_10				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_11				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_12				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_13				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_14				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_15				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_16				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_17				Al Blair PowerPoint (October 2021)	B	NM Objects: Calls for a legal conclusion. Fed. R. Evid. 701, 702. Beyond the scope of disclosed expert opinions. Fed. R. Civ. P. 26(a)(2)(C).			
Blair, Al_Demo_18				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_19				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_20				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_21				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_22				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_23				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_24				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_25				Al Blair PowerPoint (October 2021)	B/C	Colorado objects: lack of foundation, legal opinion FRE 701; misleading FRE 403			
Blair, Al_Demo_26				Al Blair PowerPoint (October 2021)	B/C	NM Objects: Calls for a legal conclusion. Fed. R. Evid. 701, 702. Beyond the scope of disclosed expert opinions. Fed. R. Civ. P. 26(a)(2)(C).	N.M. Objects to Foundation. Fed. R. Evid. 602	Colorado objects: lack of foundation, legal opinion FRE 701; misleading FRE 403	

New Mexico Objections to Al Blair Direct Testimony

Blair, Al_Demo_27				Al Blair PowerPoint (October 2021)	B/C	NM Objects: Calls for a legal conclusion. Fed. R. Evid. 701, 702. Beyond the scope of disclosed expert opinions. Fed. R. Civ. P. 26(a)(2)(C).	N.M. Objects to Foundation. Fed. R. Evid. 602		
Blair, Al_Demo_28				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_29				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_30				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_31				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_32				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_33				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_34				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_35				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_36				Al Blair PowerPoint (October 2021)	A				
Blair, Al_Demo_37				Al Blair PowerPoint (October 2021)	A				
King_Demo_16				Simplified Allocation Process	A				
TX-0088	TX_DEPO-EX_00005045	TX_DEPO-EX_00005070	2/18/1941	Balliew, John Exhibit from Deposition Testimony, Vol. 1 (9/12/2019) EXHIBIT NO. 6: Contract Between the United States of America and the City of El Paso and the El Paso County Water Improvement District No. 1 dated February 18, 1941, to Supply Water to the City of El Paso for Municipal Purposes	A				
TX-0126	TX_DEPO-EX_00015070	TX_DEPO-EX_00015071	6/16/2020	Blair, Al Exhibit from Deposition Testimony, Vol. 1 (6/16/2020) AB EXHIBIT NO. 9: Curriculum Vitae of Al Blair	A				
TX-780 (Demonstrative)	TX_DEPO-EX_00121068	TX_DEPO-EX_00121080	7/29/2020	Balliew, John Exhibit from Virtual Deposition Testimony, Vol. 1 (7/29/2020) JB Exhibit No. 4: The State of Texas's Third Supplemental Disclosure of Expert Witness Information. Document extracted from "Any and all exhibits marked during the course of the deposition of John Balliew, Virtual Volume 1 taken on 7/29/2020."	A			Since, Blair did not draft this, no objection only if used as demonstrative similar to how similar exhibit was used for King. [US-216]	
TX-785 (Demonstrative)	TX_DEPO-EX_00014997	TX_DEPO-EX_00015012	6/16/2020	Blair, Al Exhibit from Deposition Testimony, Vol. 1 (6/16/2020) AB EXHIBIT NO. 3: The State of Texas's Amended Third Supplemental Disclosure of Expert Witness Information	A			Since, Blair did not draft this, no objection only if used as demonstrative similar to how similar exhibit was used for King. [US-216]	

New Mexico Objections to Al Blair Direct Testimony

TX-786	TX_DEPO-EX_00015013	TX_DEPO-EX_00015033	6/16/2020	Blair, Al Exhibit from Deposition Testimony, Vol. 1 (6/16/2020) AB EXHIBIT NO. 4: United States of America's Disclosure of Rebuttal Expert Dr. Al Blair	A				
US-079	US-0079_0001	US-0079_0006	8/10/1949	Contract between the City of El Paso and EPCWID No.1 dated (Aug. 10, 1949)	A				
US-080	US-0080_0001	US-0080_0020	12/20/1962	Contract Permitting City of El Paso to Acquire Additional Water Supply for Municipal Purposes (Dec. 20, 1962)	A				
NM-0087	NM-0087-0001	NM-0087-0056	11/29/1988	Contract Regarding Delivery of Water to the El Paso County Lower Valley Water District Authority	A				
US-282	US-0282_0001	US-0282_0045	8/9/1995	Agreement dated August 9, 1995	A				
US-116	US-116_0001	US-116_0080	6/23/1905	Resolution authorizing the Mayor to sign the Rio Grande Project Implementing Third? Party Contract among the US, EPCWID No.1 and City of El Paso for conversion of Rio Grande Project Water to Municipal Use	A				Admitted