

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 AND UNITED STATES' 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 17, 2021

In response to the Special Master's September 16, 2021 Order regarding Remote Trial Proceedings, the State of Texas and the United States provide the following exhibit disclosures and objections for Scott Miltenberger. As of this filing, the parties anticipate that Dr. Miltenberger is expected to testify on October 18, 2021. Accordingly, the State of Texas and the United States provide the following:

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

Attachment 2: The Scott Miltenberger cross-examination exhibit index, which identifies the State of Texas and the United States' objections.

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 17, 2021

s/ Stuart L. Somach
STUART L. SOMACH, ESQ.*
ANDREW M. HITCHINGS, ESQ.
ROBERT B. HOFFMAN, ESQ.
FRANCIS M. GOLDSBERRY II, ESQ.
THERESA C. BARFIELD, ESQ.
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CERTIFICATE OF SERVICE

This is to certify that on this 17th day of October 2021, I caused a true and correct copy of THE STATE OF TEXAS AND UNITED STATES' 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,



Corene E. Rodder

Dated: October 17, 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

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

<p>New Mexico</p>	<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 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 BENNET W. RALEY LISA M. THOMPSON MICHAEL A. KOPP Special Assistant Attorneys General TROUT RALEY 1120 Lincoln St., Suite 1600 Denver, CO 80203 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 marcus@roblesrael.com luis@roblesrael.com susan@roblesrael.com chelsea@roblesrael.com pauline@roblesrael.com bonnie@roblesrael.com (505) 242-2228 braley@troutlaw.com lthompson@troutlaw.com mkopp@troutlaw.com (303) 861-1963 jwechsler@montand.com sdalrymple@montand.com kwbloods@montand.com dluna@montand.com (505) 986-2637</p>

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

	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 donna.ormerod@draperllc.com (505) 570-4591
Colorado	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 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

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

United States	<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

El Paso County Water Improvement District No. 1	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 RENEA HICKS LAW OFFICE OF MAX RENEA HICKS P.O. Box 303187 Austin, TX 78703-0504	mobrien@modrall.com sarah.stevenson@modrall.com (505) 848-1803 (direct) CharlieP@modrall.com rhicks@renea-hicks.com (512) 480-8231
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	samantha@h2o-legal.com (575) 636-2377 Fax: (575) 636-2688 janet@h2o-legal.com
Hudspeth County Conservation and Reclamation District No. 1	ANDREW S. "DREW" MILLER* KEMP SMITH LLP 919 Congress Ave., Suite 1305 Austin, TX 78701	dmiller@kempsmith.com (512) 320-5466
New Mexico Pecan Growers	TESSA T. DAVIDSON* DAVIDSON LAW FIRM, LLC 4206 Corrales Rd. P.O. Box 2240 Corrales, NM 87048 Jo Harden - Paralegal	ttd@tessadavidson.com (505) 792-3636 jo@tessadavidson.com

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 State University	JOHN W. UTTON* UTTON & KERY, P.A. P.O. Box 2386 Santa Fe, NM 87504 General Counsel Hadley Hall Room 132 2850 Weddell Road Las Cruces, NM 88003	john@uttonkery.com (505) 699-1445 gencounsel@nmsu.edu (575) 646-2446
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 Solicitor General 120 S.W. 10th Ave., 2nd Floor Topeka, KS 66612	toby.crouse@ag.ks.gov (785) 296-2215 bryan.clark@ag.ks.gov
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	ajolsen@h2olawyers.com (575) 624-2463 mkauai@h2olawyers.com rbartlett@h2olawyers.com

THE STATE OF COLORADO AND THE STATE OF NEW MEXICO'S OBJECTIONS TO
DIRECT TESTIMONY EXHIBITS OF SCOTT MILTENBERGER

Exhibit No.	Bates Begin	Bates End	Date	Exhibit Description	Category A, B, C	CO Objections [Fed. R. Evid.]	NM Objections [Fed. R. Evid.]	NM Objection Notes	Offered	Admit (A) Not Admit (NA)
Milttenberger, Scott_Demo_01				Direct Examination of Scott A. Milttenberger, Ph.D.	A					
Milttenberger, Scott_Demo_02				Professional Resume (1/2)	A					
Milttenberger, Scott_Demo_03				Professional Resume (2/2)	A					
Milttenberger, Scott_Demo_04				JRP's Research Across the Country (1/2)	A					
Milttenberger, Scott_Demo_05				JRP's Research Across the Country (2/2)	A					
Milttenberger, Scott_Demo_06				Expert Reports and Declarations	B/C		Confusing the Issues. Fed. R. Evid. 403; Inaccurate Summary to Prove Content. Fed. R. Evid. 1006; Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403; Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	Demos 06 and 08 - Object to reference to and inclusion of "Declarations" for same reasons NM objects to these Declarations - all references to these Declarations (affidavits) must be removed. Demo 21 - all reference to "HCCRD / Hudspeth" must be removed; inaccurate, misleading, false description - HCCRD/Hudspeth is not a "Project Beneficiary[.]" Demos 63 through 67 inclusive - inclusion of "(Baseline)" in slide titles must be removed - this description/term in this context is inaccurate, must be removed; inaccurate, misleading, false; it is not a quote so the use of quotation marks is inaccurate and misleading - same objection for the terms "1938 ... Condition," this is not a quotation so the use of quotation marks is inaccurate, false and misleading, and these quotation marks should be removed. Demos 70 and 71 - object to and insist on removal of words "the Relationship between" in demonstrative title on basis is inaccurate and misleading - use of this wording presupposes: (1) a particular "relationship" where none such as been identified and (2) that such relationship has been established, which is disputed. Demo 71 - object to slide in its entirety on basis it mischaracterizes the evidence and comprises inaccurate and misleading summaries of evidence. Demos 72 and 73 - object to in their entirety on the same basis that Exhibit TX-0702 is objected to (refer to those objections - including Category C objection, document cannot be authenticated)		
Milttenberger, Scott_Demo_07				Summary of Opinions Offered in Expert Reports and Declarations (1/2)	B/C	Leading, FRE 611(c), Legal opinion, FRE 701, relevance FRE 401, hearsay FRE 802	Confusing the Issues. Fed. R. Evid. 403; Inaccurate Summary to Prove Content. Fed. R. Evid. 1006; Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403; Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	Demos 06 and 08 - Object to reference to and inclusion of "Declarations" for same reasons NM objects to these Declarations - all references to these Declarations (affidavits) must be removed. Demo 21 - all reference to "HCCRD / Hudspeth" must be removed; inaccurate, misleading, false description - HCCRD/Hudspeth is not a "Project Beneficiary[.]" Demos 63 through 67 inclusive - inclusion of "(Baseline)" in slide titles must be removed - this description/term in this context is inaccurate, must be removed; inaccurate, misleading, false; it is not a quote so the use of quotation marks is inaccurate and misleading - same objection for the terms "1938 ... Condition," this is not a quotation so the use of quotation marks is inaccurate, false and misleading, and these quotation marks should be removed. Demos 70 and 71 - object to and insist on removal of words "the Relationship between" in demonstrative title on basis is inaccurate and misleading - use of this wording presupposes: (1) a particular "relationship" where none such as been identified and (2) that such relationship has been established, which is disputed. Demo 71 - object to slide in its entirety on basis it mischaracterizes the evidence and comprises inaccurate and misleading summaries of evidence. Demos 72 and 73 - object to in their entirety on the same basis that Exhibit TX-0702 is objected to (refer to those objections - including Category C objection, document cannot be authenticated)		
Milttenberger, Scott_Demo_08				Summary of Opinions Offered in Expert Reports and Declarations (2/2)	B/C	Leading, FRE 611(c), Legal opinion, FRE 701, relevance FRE 401,hearsay FRE 802	Confusing the Issues. Fed. R. Evid. 403; Inaccurate Summary to Prove Content. Fed. R. Evid. 1006; Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403; Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	Demos 06 and 08 - Object to reference to and inclusion of "Declarations" for same reasons NM objects to these Declarations - all references to these Declarations (affidavits) must be removed. Demo 21 - all reference to "HCCRD / Hudspeth" must be removed; inaccurate, misleading, false description - HCCRD/Hudspeth is not a "Project Beneficiary[.]" Demos 63 through 67 inclusive - inclusion of "(Baseline)" in slide titles must be removed - this description/term in this context is inaccurate, must be removed; inaccurate, misleading, false; it is not a quote so the use of quotation marks is inaccurate and misleading - same objection for the terms "1938 ... Condition," this is not a quotation so the use of quotation marks is inaccurate, false and misleading, and these quotation marks should be removed. Demos 70 and 71 - object to and insist on removal of words "the Relationship between" in demonstrative title on basis is inaccurate and misleading - use of this wording presupposes: (1) a particular "relationship" where none such as been identified and (2) that such relationship has been established, which is disputed. Demo 71 - object to slide in its entirety on basis it mischaracterizes the evidence and comprises inaccurate and misleading summaries of evidence. Demos 72 and 73 - object to in their entirety on the same basis that Exhibit TX-0702 is objected to (refer to those objections - including Category C objection, document cannot be authenticated)		
Milttenberger, Scott_Demo_09				Compact Historical Timeline	A					
Milttenberger, Scott_Demo_10				The Rio Grande River (San Luis Valley, CO to Fort Quitman, TX)	A					

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Miltenerberger, Scott_Demo_11				1896 Embargo	A					
Miltenerberger, Scott_Demo_12				The Rio Grande Project (1905) (1/2)	A					
Miltenerberger, Scott_Demo_13				The Rio Grande Project (1905) (2/2)	A					
Miltenerberger, Scott_Demo_14				Convention Between the U.S. and Mexico (1906)	A					
Miltenerberger, Scott_Demo_15				Project as an Engineering Solution	A					
Miltenerberger, Scott_Demo_16				Project Water Notices (1/4)	A					
Miltenerberger, Scott_Demo_17				Project Water Notices (2/4)	A					
Miltenerberger, Scott_Demo_18				Project Water Notices (3/4)	A					
Miltenerberger, Scott_Demo_19				Project Water Notices (4/4)	A					
Miltenerberger, Scott_Demo_20				Estimated Reservoir Water (ca. 1911)	A					
Miltenerberger, Scott_Demo_21				Project Beneficiaries	B/C	Confusing the Issues. Fed. R. Evid. 403, Inaccurate Summary to Prove Content. Fed. R. Evid. 1006, Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403, Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)		Demos 06 and 08 - Object to reference to and inclusion of "Declarations" for same reasons NM objects to these Declarations - all references to these Declarations (affidavits) must be removed. Demo 21 - all reference to "HCCRD / Hudspeth" must be removed; inaccurate, misleading, false description - HCCRD/Hudspeth is not a "Project Beneficiary[ly]." Demos 63 through 67 inclusive - inclusion of "(Baseline)" in slide titles must be removed - this description/term in this context is inaccurate, must be removed; inaccurate, misleading, false; it is not a quote so the use of quotation marks is inaccurate and misleading - same objection for the terms "1938 ... Condition," this is not a quotation so the use of quotation marks is inaccurate, false and misleading, and these quotation marks should be removed. Demos 70 and 71 - object to and insist on removal of words "the Relationship between" in demonstrative title on basis is inaccurate and misleading - use of this wording presupposes: (1) a particular "relationship" where none such as been identified and (2) that such relationship has been established, which is disputed. Demo 71 - object to slide in its entirety on basis it mischaracterizes the evidence and comprises inaccurate and misleading summaries of evidence. Demos 72 and 73 - object to in their entirety on the same basis that Exhibit TX-0702 is objected to (refer to those objections - including Category C objection, document cannot be authenticated)		
Miltenerberger, Scott_Demo_22				Project Development and Return Flows (1/2)	A					
Miltenerberger, Scott_Demo_23				Project Development and Return Flows (2/2)	A					
Miltenerberger, Scott_Demo_24				Consequences of the Use of Return Flows	A					
Miltenerberger, Scott_Demo_25				The States Start Talking About an Interstate Compact	A					
Miltenerberger, Scott_Demo_26				What Did Each State Want?	A					
Miltenerberger, Scott_Demo_27				What Did Each State Want? (CO)	A					
Miltenerberger, Scott_Demo_28				What Did Each State Want? (NM)	A					
Miltenerberger, Scott_Demo_29				What Did Each State Want? (TX)	A					

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Miltenerberger, Scott_Demo_30				The 1929 Compact Negotiations	A					
Miltenerberger, Scott_Demo_31				The 1929 (Temporary) Compact and Upstream Depletions	A					
Miltenerberger, Scott_Demo_32				The National Resources Committee Rio Grande Board of Review Report (1/2)	A					
Miltenerberger, Scott_Demo_33				The National Resources Committee Rio Grande Board of Review Report (2/2)	A					
Miltenerberger, Scott_Demo_34				State of Texas vs. State of New Mexico and Middle Rio Grande Conservancy District (1935) (1/3)	A					
Miltenerberger, Scott_Demo_35				State of Texas vs. State of New Mexico and Middle Rio Grande Conservancy District (1935) (2/3)	A					
Miltenerberger, Scott_Demo_36				State of Texas vs. State of New Mexico and Middle Rio Grande Conservancy District (1935) (3/3)	A					
Miltenerberger, Scott_Demo_37				The Rio Grande Joint Investigation (1936-1937): Purpose and Scope (1/3)	A					
Miltenerberger, Scott_Demo_38				The Rio Grande Joint Investigation (1936-1937): Purpose and Scope (2/3)	A					
Miltenerberger, Scott_Demo_39				The Rio Grande Joint Investigation (1936-1937): Purpose and Scope (3/3)	A					
Miltenerberger, Scott_Demo_40				The JIR's Assessment of Upstream Water Use and Demand on Elephant Butte Reservoir (All)	A					
Miltenerberger, Scott_Demo_41				The JIR's Assessment of Upstream Water Use and Demand on Elephant Butte Reservoir (San Luis Valley and Middle Rio Grande above Elephant Butte)	A					
Miltenerberger, Scott_Demo_42				The JIR's Assessment of Upstream Water Use and Demand on Elephant Butte Reservoir (Elephant Butte to Fr. Quitman) (1/2)	A					
Miltenerberger, Scott_Demo_43				The JIR's Assessment of Upstream Water Use and Demand on Elephant Butte Reservoir (Elephant Butte to Fr. Quitman) (2/2)	A					
Miltenerberger, Scott_Demo_44				The December 1937 Committee of Engineers Report	A					
Miltenerberger, Scott_Demo_45				Engineers' Recommendations	A					
Miltenerberger, Scott_Demo_46				Significance of the Delivery Schedules (1/2)	A					
Miltenerberger, Scott_Demo_47				Significance of the Delivery Schedules (2/2)	A					
Miltenerberger, Scott_Demo_48				Significance of the 800,000 AF Average Release Figure (1/3)	A					
Miltenerberger, Scott_Demo_49				Significance of the 800,000 AF Average Release Figure (2/3)	B	beyond scope of expertise FRE 702				
Miltenerberger, Scott_Demo_50				Significance of the 800,000 AF Average Release Figure (3/3)	B	beyond scope of expertise FRE 702				
Miltenerberger, Scott_Demo_51				New Mexico's Objections and Revisions to the December 1937 Committee of Engineers' Report	A					
Miltenerberger, Scott_Demo_52				Significance of the 790,000 AF "Normal Release" Figure (1/2)	A					

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Exhibit No.	Bates Begin	Bates End	Date	Exhibit Description	Category A, B, C	CO Objections [Fed. R. Evid.]	NM Objections [Fed. R. Evid.]	NM Objection Notes	Offered	Admit (A) Not Admit (NA)
Miltenerberger, Scott_Demo_53				Significance of the 790,000 AF "Normal Release" Figure (2/2)	A					
Miltenerberger, Scott_Demo_54				The 1938 Rio Grande Compact (Cast of Characters)	A					
Miltenerberger, Scott_Demo_55				What Did Each State Ultimately Obtain with the 1938 Compact?	A					
Miltenerberger, Scott_Demo_56				What Did Each State Ultimately Obtain with the 1938 Compact? (CO)	A					
Miltenerberger, Scott_Demo_57				What Did Each State Ultimately Obtain with the 1938 Compact? (NM)	A					
Miltenerberger, Scott_Demo_58				What Did Each State Ultimately Obtain with the 1938 Compact? (TX)	A					
Miltenerberger, Scott_Demo_59				Lower Rio Grande Texas Waters Users and the Compact (1/2)	A					
Miltenerberger, Scott_Demo_60				Lower Rio Grande Texas Waters Users and the Compact (2/2)	A					
Miltenerberger, Scott_Demo_61				Clayton's Letter to Smith, October 1938 (1/2)	A					
Miltenerberger, Scott_Demo_62				Clayton's Letter to Smith, October 1939 2/2)	A					
Miltenerberger, Scott_Demo_63				What is the "1938 (Baseline) Condition," From a Historical Perspective? (1/5)	B/C	Confusing the Issues. Fed. R. Evid. 403, Inaccurate Summary to Prove Content. Fed. R. Evid. 1006, Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403; Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	Confusing the Issues. Fed. R. Evid. 403, Inaccurate Summary to Prove Content. Fed. R. Evid. 1006, Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403; Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	Demos 06 and 08 - Object to reference to and inclusion of "Declarations" for same reasons NM objects to these Declarations - all references to these Declarations (affidavits) must be removed. Demo 21 - all reference to "HCCRD / Hudspeth" must be removed; inaccurate, misleading, false description - HCCRD/Hudspeth is not a "Project Beneficiary[ly]." Demos 63 through 67 inclusive - inclusion of "(Baseline)" in slide titles must be removed - this description/term in this context is inaccurate, must be removed; inaccurate, misleading, false; it is not a quote so the use of quotation marks is inaccurate and misleading - same objection for the terms "1938 ... Condition," this is not a quotation so the use of quotation marks is inaccurate, false and misleading, and these quotation marks should be removed. Demos 70 and 71 - object to and insist on removal of words "the Relationship between" in demonstrative title on basis is inaccurate and misleading - use of this wording presupposes: (1) a particular "relationship" where none such as been identified and (2) that such relationship has been established, which is disputed. Demo 71 - object to slide in its entirety on basis it mischaracterizes the evidence and comprises inaccurate and misleading summaries of evidence. Demos 72 and 73 - object to in their entirety on the same basis that Exhibit TX-0702 is objected to (refer to those objections - including Category C objection, document cannot be authenticated)		
Miltenerberger, Scott_Demo_64				What is the "1938 (Baseline) Condition," From a Historical Perspective? (2/5)	B/C	Confusing the Issues. Fed. R. Evid. 403, Inaccurate Summary to Prove Content. Fed. R. Evid. 1006, Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403; Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	Confusing the Issues. Fed. R. Evid. 403, Inaccurate Summary to Prove Content. Fed. R. Evid. 1006, Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403; Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	Demos 06 and 08 - Object to reference to and inclusion of "Declarations" for same reasons NM objects to these Declarations - all references to these Declarations (affidavits) must be removed. Demo 21 - all reference to "HCCRD / Hudspeth" must be removed; inaccurate, misleading, false description - HCCRD/Hudspeth is not a "Project Beneficiary[ly]." Demos 63 through 67 inclusive - inclusion of "(Baseline)" in slide titles must be removed - this description/term in this context is inaccurate, must be removed; inaccurate, misleading, false; it is not a quote so the use of quotation marks is inaccurate and misleading - same objection for the terms "1938 ... Condition," this is not a quotation so the use of quotation marks is inaccurate, false and misleading, and these quotation marks should be removed. Demos 70 and 71 - object to and insist on removal of words "the Relationship between" in demonstrative title on basis is inaccurate and misleading - use of this wording presupposes: (1) a particular "relationship" where none such as been identified and (2) that such relationship has been established, which is disputed. Demo 71 - object to slide in its entirety on basis it mischaracterizes the evidence and comprises inaccurate and misleading summaries of evidence. Demos 72 and 73 - object to in their entirety on the same basis that Exhibit TX-0702 is objected to (refer to those objections - including Category C objection, document cannot be authenticated)		

THE STATE OF COLORADO AND THE STATE OF NEW MEXICO'S OBJECTIONS TO
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Exhibit No.	Bates Begin	Bates End	Date	Exhibit Description	Category A, B, C	CO Objections [Fed. R. Evid.]	NM Objections [Fed. R. Evid.]	NM Objection Notes	Offered	Admit (A) Not Admit (NA)
Miltenberger, Scott_Demo_65				What is the "1938 (Baseline) Condition," From a Historical Perspective? (3/5)	B/C		Confusing the Issues. Fed. R. Evid. 403; Inaccurate Summary to Prove Content. Fed. R. Evid. 1006; Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403; Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	Demos 06 and 08 - Object to reference to and inclusion of "Declarations" for same reasons NM objects to these Declarations - all references to these Declarations (affidavits) must be removed. Demo 21 - all reference to "HCCRD / Hudspeth" must be removed; inaccurate, misleading, false description - HCCRD/Hudspeth is not a "Project Beneficiary[.]" Demos 63 through 67 inclusive - inclusion of "(Baseline)" in slide titles must be removed - this description/term in this context is inaccurate, must be removed; inaccurate, misleading, false; it is not a quote so the use of quotation marks is inaccurate and misleading - same objection for the terms "1938 ... Condition," this is not a quotation so the use of quotation marks is inaccurate, false and misleading, and these quotation marks should be removed. Demos 70 and 71 - object to and insist on removal of words "the Relationship between" in demonstrative title on basis is inaccurate and misleading - use of this wording presupposes: (1) a particular "relationship" where none such as been identified and (2) that such relationship has been established, which is disputed. Demo 71 - object to slide in its entirety on basis it mischaracterizes the evidence and comprises inaccurate and misleading summaries of evidence. Demos 72 and 73 - object to in their entirety on the same basis that Exhibit TX-0702 is objected to (refer to those objections - including Category C objection, document cannot be authenticated)		
Miltenberger, Scott_Demo_66				What is the "1938 (Baseline) Condition," From a Historical Perspective? (4/5)	B/C		Confusing the Issues. Fed. R. Evid. 403; Inaccurate Summary to Prove Content. Fed. R. Evid. 1006; Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403; Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	Demos 06 and 08 - Object to reference to and inclusion of "Declarations" for same reasons NM objects to these Declarations - all references to these Declarations (affidavits) must be removed. Demo 21 - all reference to "HCCRD / Hudspeth" must be removed; inaccurate, misleading, false description - HCCRD/Hudspeth is not a "Project Beneficiary[.]" Demos 63 through 67 inclusive - inclusion of "(Baseline)" in slide titles must be removed - this description/term in this context is inaccurate, must be removed; inaccurate, misleading, false; it is not a quote so the use of quotation marks is inaccurate and misleading - same objection for the terms "1938 ... Condition," this is not a quotation so the use of quotation marks is inaccurate, false and misleading, and these quotation marks should be removed. Demos 70 and 71 - object to and insist on removal of words "the Relationship between" in demonstrative title on basis is inaccurate and misleading - use of this wording presupposes: (1) a particular "relationship" where none such as been identified and (2) that such relationship has been established, which is disputed. Demo 71 - object to slide in its entirety on basis it mischaracterizes the evidence and comprises inaccurate and misleading summaries of evidence. Demos 72 and 73 - object to in their entirety on the same basis that Exhibit TX-0702 is objected to (refer to those objections - including Category C objection, document cannot be authenticated)		
Miltenberger, Scott_Demo_67				What is the "1938 (Baseline) Condition," From a Historical Perspective? (5/5)	B/C		Confusing the Issues. Fed. R. Evid. 403; Inaccurate Summary to Prove Content. Fed. R. Evid. 1006; Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403; Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	Demos 06 and 08 - Object to reference to and inclusion of "Declarations" for same reasons NM objects to these Declarations - all references to these Declarations (affidavits) must be removed. Demo 21 - all reference to "HCCRD / Hudspeth" must be removed; inaccurate, misleading, false description - HCCRD/Hudspeth is not a "Project Beneficiary[.]" Demos 63 through 67 inclusive - inclusion of "(Baseline)" in slide titles must be removed - this description/term in this context is inaccurate, must be removed; inaccurate, misleading, false; it is not a quote so the use of quotation marks is inaccurate and misleading - same objection for the terms "1938 ... Condition," this is not a quotation so the use of quotation marks is inaccurate, false and misleading, and these quotation marks should be removed. Demos 70 and 71 - object to and insist on removal of words "the Relationship between" in demonstrative title on basis is inaccurate and misleading - use of this wording presupposes: (1) a particular "relationship" where none such as been identified and (2) that such relationship has been established, which is disputed. Demo 71 - object to slide in its entirety on basis it mischaracterizes the evidence and comprises inaccurate and misleading summaries of evidence. Demos 72 and 73 - object to in their entirety on the same basis that Exhibit TX-0702 is objected to (refer to those objections - including Category C objection, document cannot be authenticated)		
Miltenberger, Scott_Demo_68				The Special Master's Summary Judgment Order, May 21, 2021 (1/2)	B	beyond scope of expertise FRE 702				
Miltenberger, Scott_Demo_69				The Special Master's Summary Judgment Order, May 21, 2022 (2/2)	B	beyond scope of expertise FRE 702				

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Miltenerberger, Scott_Demo_70				State of Knowledge Regarding the Relationship Between Rio Grande Surface Flows and Groundwater, Pre- and Post- Compact (1/2)	B/C		Confusing the Issues. Fed. R. Evid. 403; Inaccurate Summary to Prove Content. Fed. R. Evid. 1006; Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403; Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	Demos 06 and 08 - Object to reference to and inclusion of "Declarations" for same reasons NM objects to these Declarations - all references to these Declarations (affidavits) must be removed. Demo 21 - all reference to "HCCRD / Hudspeth" must be removed; inaccurate, misleading, false description - HCCRD/Hudspeth is not a "Project Beneficiary[ry]." Demos 63 through 67 inclusive - inclusion of "(Baseline)" in slide titles must be removed - this description/term in this context is inaccurate, must be removed; inaccurate, misleading, false; it is not a quote so the use of quotation marks is inaccurate and misleading - same objection for the terms "1938 ... Condition," this is not a quotation so the use of quotation marks is inaccurate, false and misleading, and these quotation marks should be removed. Demos 70 and 71 - object to and insist on removal of words "the Relationship between" in demonstrative title on basis is inaccurate and misleading - use of this wording presupposes: (1) a particular "relationship" where none such as been identified and (2) that such relationship has been established, which is disputed. Demo 71 - object to slide in its entirety on basis it mischaracterizes the evidence and comprises inaccurate and misleading summaries of evidence. Demos 72 and 73 - object to in their entirety on the same basis that Exhibit TX-0702 is objected to (refer to those objections - including Category C objection, document cannot be authenticated)		
Miltenerberger, Scott_Demo_71				State of Knowledge Regarding the Relationship Between Rio Grande Surface Flows and Groundwater, Pre- and Post- Compact (2/2)	B/C		Confusing the Issues. Fed. R. Evid. 403; Inaccurate Summary to Prove Content. Fed. R. Evid. 1006; Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403; Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	Demos 06 and 08 - Object to reference to and inclusion of "Declarations" for same reasons NM objects to these Declarations - all references to these Declarations (affidavits) must be removed. Demo 21 - all reference to "HCCRD / Hudspeth" must be removed; inaccurate, misleading, false description - HCCRD/Hudspeth is not a "Project Beneficiary[ry]." Demos 63 through 67 inclusive - inclusion of "(Baseline)" in slide titles must be removed - this description/term in this context is inaccurate, must be removed; inaccurate, misleading, false; it is not a quote so the use of quotation marks is inaccurate and misleading - same objection for the terms "1938 ... Condition," this is not a quotation so the use of quotation marks is inaccurate, false and misleading, and these quotation marks should be removed. Demos 70 and 71 - object to and insist on removal of words "the Relationship between" in demonstrative title on basis is inaccurate and misleading - use of this wording presupposes: (1) a particular "relationship" where none such as been identified and (2) that such relationship has been established, which is disputed. Demo 71 - object to slide in its entirety on basis it mischaracterizes the evidence and comprises inaccurate and misleading summaries of evidence. Demos 72 and 73 - object to in their entirety on the same basis that Exhibit TX-0702 is objected to (refer to those objections - including Category C objection, document cannot be authenticated)		
Miltenerberger, Scott_Demo_72				New Mexico's Knowledge of the Effect of Groundwater Pumping on Flows Reaching Texas (1/2)	B/C		Confusing the Issues. Fed. R. Evid. 403; Inaccurate Summary to Prove Content. Fed. R. Evid. 1006; Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403; Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	Demos 06 and 08 - Object to reference to and inclusion of "Declarations" for same reasons NM objects to these Declarations - all references to these Declarations (affidavits) must be removed. Demo 21 - all reference to "HCCRD / Hudspeth" must be removed; inaccurate, misleading, false description - HCCRD/Hudspeth is not a "Project Beneficiary[ry]." Demos 63 through 67 inclusive - inclusion of "(Baseline)" in slide titles must be removed - this description/term in this context is inaccurate, must be removed; inaccurate, misleading, false; it is not a quote so the use of quotation marks is inaccurate and misleading - same objection for the terms "1938 ... Condition," this is not a quotation so the use of quotation marks is inaccurate, false and misleading, and these quotation marks should be removed. Demos 70 and 71 - object to and insist on removal of words "the Relationship between" in demonstrative title on basis is inaccurate and misleading - use of this wording presupposes: (1) a particular "relationship" where none such as been identified and (2) that such relationship has been established, which is disputed. Demo 71 - object to slide in its entirety on basis it mischaracterizes the evidence and comprises inaccurate and misleading summaries of evidence. Demos 72 and 73 - object to in their entirety on the same basis that Exhibit TX-0702 is objected to (refer to those objections - including Category C objection, document cannot be authenticated)		
Miltenerberger, Scott_Demo_73				New Mexico's Knowledge of the Effect of Groundwater Pumping on Flows Reaching Texas (2/2)	B/C		Confusing the Issues. Fed. R. Evid. 403; Inaccurate Summary to Prove Content. Fed. R. Evid. 1006; Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403; Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	Demos 06 and 08 - Object to reference to and inclusion of "Declarations" for same reasons NM objects to these Declarations - all references to these Declarations (affidavits) must be removed. Demo 21 - all reference to "HCCRD / Hudspeth" must be removed; inaccurate, misleading, false description - HCCRD/Hudspeth is not a "Project Beneficiary[ry]." Demos 63 through 67 inclusive - inclusion of "(Baseline)" in slide titles must be removed - this description/term in this context is inaccurate, must be removed; inaccurate, misleading, false; it is not a quote so the use of quotation marks is inaccurate and misleading - same objection for the terms "1938 ... Condition," this is not a quotation so the use of quotation marks is inaccurate, false and misleading, and these quotation marks should be removed. Demos 70 and 71 - object to and insist on removal of words "the Relationship between" in demonstrative title on basis is inaccurate and misleading - use of this wording presupposes: (1) a particular "relationship" where none such as been identified and (2) that such relationship has been established, which is disputed. Demo 71 - object to slide in its entirety on basis it mischaracterizes the evidence and comprises inaccurate and misleading summaries of evidence. Demos 72 and 73 - object to in their entirety on the same basis that Exhibit TX-0702 is objected to (refer to those objections - including Category C objection, document cannot be authenticated)		
Miltenerberger, Scott_Demo_74				Miltenerberger, Scott_Demo_74						
JT-0444	NM2_00004445	NM2_00004472	9/1/1947	Conover, Clyde S. Preliminary Memorandum on Ground-Water Supplies for Elephant Butte Irrigation District, September 1947	A					
JT-0458	TX_00187138	TX_00187145	10/16/1938	TX Compact Commissioner discusses Clark's challenges to the Compact	A					

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JT-0467	TX_00175935	TX_00175942	9/11/1980	TX_00175935 State Engineer Order No. 126: Declaring the LRG Underground Water Basin	A					
JT-0468	NM_00283188	NM_00283190	9/17/1982	State Engineer Order #135: In the Matter of State Engineer Special Order No. 135 Declaring an Extension of the Lower Rio Grande Underground Water Basin in Dona Ana, Grant and Sierra Counties	A					
NM-0175	NM-0175-0001	NM-0175-0482		Minutes of the Regular Meeting of the Board of Directors of IBID Held July 3, 1933	SEE NOTE					Admitted
NM-1439	NM2_00037116	NM2_00037118	9/10/1947	Chas. V. Theis, District Geologist, to Mr. A. N. Sayre, Geologist in Charge, Division of Groundwater	A					
NM-1452	NM2_00037278	NM2_00037351	1/1/1994	Selected Contributions to Ground-Water Hydrology by C.V. Theis, and a Review of His Life and Work	B	beyond scope of expertise FRE 702				
NM-1473	NM2_00038033	NM2_00038035	2/3/1938	Raymond A. Hill to Mr. Frank B. Clayton	A					
NM-1474	NM2_00038036	NM2_00038038	2/8/1938	Raymond A. Hill to Mr. Frank B. Clayton	A					
NM-1484	NM2_00038075	NM2_00038079	3/7/1939	Frank B. Clayton, Attorney for Hudspeth County Conservation and Reclamation District No. 1, to Hon. John C. Page, Commissioner, Bureau of Reclamation	A					
NM-1541	NM2_00038804	NM2_00038806	10/23/1947	Chas. V. Theis, District Geologist, to Mr. John H. Bliss, State Engineer of New Mexico	C	US Objects to Authenticity (Fed. R. Evid. 901)				
NM-1602	NM2_00039678	NM2_00039681	7/9/1904	B.M. Hall, Supervising Engineer, to Mr. Charles S. Slichter, Consulting Engineer July 9, 1904	A					
TX-0008	JRP_00011286	JRP_00011409	5/31/2019	Expert Report of Scott A. Miltenberger, Ph.D., JRP Historical Consultants and all tables, figures, charts, and graphs therein (5/31/2019)	A			Fed. R. Evid. 702 Testimony by expert witnesses		
TX-0029	JRP_00011410	JRP_00011465	12/30/2019	Expert Rebuttal and Supplemental Report of Scott A. Miltenberger, Ph.D., JRP Historical Consultants, and all tables, figures, charts, and graphs therein (12/30/2019)	A			Fed. R. Evid. 702 Testimony by expert witnesses		
TX-0486	US0186530	US0186535	1/27/1936	Letter from Raymond A. Hill, Engineer Advisor, State of Texas, to Frank B. Clayton, Rio Grande Compact Commissioner, State of Texas (Jan. 27, 1936)	A					
TX-0517	NM_00154110-	NM_00154137	4/30/1905	C.S. Conover, Preliminary Memorandum on Groundwater Supplies for Elephant Butte Irrigation District, New Mexico, September 1947	B	beyond scope of expertise FRE 702				
TX-0518	NM_00166701	NM_00166788	3/19/1905	Charles S. Slichter, Observations on the Ground Waters of Rio Grande Valley, U.S. Geological Survey Water-Supply and Irrigation Paper No. 141 (Washington, D.C.: Government Printing Office, 1905)	B	beyond scope of expertise FRE 702				
TX-0519	NM_00180395	NM_00180467	3/21/1905	Willis T. Lee, Water Resources of the Rio Grande Valley in New Mexico and Their Development, USGS Water-Supply and Irrigation Paper No. 188 (1907)	B	beyond scope of expertise FRE 702				
TX-0521	NM_00335427	NM_00335433	5/27/1905	TX_0521 S. E. Reynolds & Philip B. Mutz, Water Deliveries under the Rio Grande Compact, 14 Nat. Resources J. 201 (1974)	B	beyond scope of expertise FRE 702				
TX-0601	TX_MSI_001585	TX_MSI_001629	11/2/2020	Declaration of Scott A. Miltenberger, Ph.D. in Support of the State of Texas's Motion for Partial Summary Judgment; Memorandum of Points and Authorities in Support Thereof Federal Rule of Civil Procedure 56	B		Hearsay. Fed. R. Evid. 803, Irrelevant. Fed. R. Evid. 402, Other (Use Objection Notes)			
TX-0606	TX_MSI007371	TX_MSI007404	12/22/2020	Declaration of Scott Miltenberger	B		Hearsay. Fed. R. Evid. 803, Irrelevant. Fed. R. Evid. 402, Other (Use Objection Notes)			
TX-0607	CO - 002425	CO - 002513	9/18/1968	1968-09-18 C.J. Kuiper authentication (April 5, 1976) and RA Hill - Development of the Rio Grande Compact of 1938 (October 8, 1968)	A					

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TX-0608	CO - 002431	CO - 002513		C.J. Kulper authentication (April 5, 1976) and RA Hill - Development of the Rio Grande Compact of 1938 (October 8, 1968)	A					
TX-0609	NM_00124167	NM_00124193	4/30/1905	Clyde S. Conover, U.S. Geological Survey, Preliminary memorandum on ground-water supplies for Elephant Butte Irrigation District, New Mexico, September 1947; NM_00124166 - NM_000124193 and C. S. Conover, Ground-Water Conditions in the Rincon and Mesilla Valleys and Adjacent Areas in New Mexico, Geological Survey Water-Supply Paper 1230 (GPO 1954). Produced as NM_00124167 - NM_00124193; EBID_171998-172024; and JS000277 (pp. 2-28), produced by Jennifer Stevens on 6/15/2020)	B	beyond scope of expertise FRE 702				
TX-0610	TX_MSI_005903	TX_MSI_005978	5/14/1905	Final draft of report on "Groundwater Conditions in Elephant Butte Irrigation District" by Narendra N. Gunaji (11/1961), NMSU (produced NM_00125344-NM_00125419)	B	beyond scope of expertise FRE 702	Other (Use Objection Notes)	Object to all highlighting in this document - not least its origin is unknown.		
TX-0611	TX_MSI_004109	TX_MSI_004113	12/12/1936	1936-12-12 TX v NM_Plaintiff's Case in Chief, Volumes V, VI & VII, excerpts at pgs 1202-06 (TX_MSI_004109-4113)	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702	Other (Use Objection Notes), Rule of Completeness Fed. R. Evid. 106	This is 5 pages of a much larger document - entire document should be identified as an Exhibit for consideration.		
TX-0612	TX_MSI_004127	TX_MSI_004128	12/12/1936	1936-12-12 TX v NM_Plaintiff's Case in Chief, Volumes V, VI & VII, excerpts at pgs 1220-21 (TX_MSI_004127-4128)	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702	Other (Use Objection Notes), Rule of Completeness Fed. R. Evid. 106			
TX-0613	TX_MSI_004142	TX_MSI_004143	12/12/1936	1936-12-12 TX v NM_Plaintiff's Case in Chief, Volumes V, VI & VII, excerpts at pgs 1235-36 (TX_MSI_004142-4143)	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702	Other (Use Objection Notes), Rule of Completeness Fed. R. Evid. 106	This is 5 pages of a much larger document - entire document should be identified as an Exhibit for consideration.		
TX-0614	TX_MSI_005244	TX_MSI_005245	2/8/1938	1938-02-08 Letter from RA Hill to F Clayton (TX_MSI_005244-5245)	A					
TX-0615	TX_MSI_005253	TX_MSI_005291	3/3/1938	1938-03-03 to 18 Proceedings of the Meeting of the RGCC	B		Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to be read.		
TX-0616	TX_MSI_005294	TX_MSI_005302	12/27/1937	1937-12-27 Report of Committee of Engineers to RGCC	B		Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to be read.		
TX-0617	TX_MSI_005305	TX_MSI_005306	1/27/1938	1938-01-27 Letter from F Clayton to SO Harper - Appx 3 (TX_MSI_005305-5306; complete record produced as (produced as JRP_00007278)	B		Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to be read.		
TX-0618	TX_MSI_005348	TX_MSI_005360	4/2/1938	1938-04-02 Bliss re Provisions of the RG Compact	A					
TX-0619	TX_MSI_005395	TX_MSI_005396	10/4/1938	1938-10-04 Clayton to Smith re Division of waters of the Rio Grande	B		Other (Use Objection Notes), Rule of Completeness Fed. R. Evid. 106			
TX-0620	TX_MSI_005698	TX_MSI_005698	12/15/1951	1951-12-15 JH Bliss Affidavit - Signature Page (TX_MSI_005395)	A					
TX-0621	TX_MSI_005399	TX_MSI_005405	5/22/1939	1939-05-22 Flock to Commissioner re Protest Hudspeth Dist	B		Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to be read.		
TX-0622	TX_MSI_005677	TX_MSI_005698	12/15/1951	1951-12-15 JH Bliss Affidavit attached as Exhibit C to TX v NM Return of Defs to Rule to Show Cause (TX_MSI_005677-5698)	A					
TX-0623	TX_MSI_005794	TX_MSI_005838	12/4/1968	In the Supreme Court of the United States, October Term 1967, No. 29, Original, State of Texas and New Mexico, Plaintiffs, vs. State of Colorado, Defendant, Deposition of: Raymond A. Hill, Taken December 4, 1968, Denver, Colorado.	B		Other (Use Objection Notes), Rule of Completeness Fed. R. Evid. 106. Cumulative. Fed. R. Evid. 403.	Barely legible; TX-0623 is missing the first two pages indicating its source (what box it came out of). Near Dupe of TX-0625.		
TX-0624	JRP_00000801	JRP_00000803	10/4/1938	1938-10-04 Clayton to Smith re Division of waters of the Rio Grande	A					
TX-0625	JRP_00001819	JRP_00001865	12/4/1968	In the Supreme Court of the United States, October Term 1967, No. 29, Original, State of Texas and New Mexico, Plaintiffs, vs. State of Colorado, Defendant, Deposition of: Raymond A. Hill, Taken December 4, 1968, Denver, Colorado.	B		Other (Use Objection Notes)	Illegible. Complete version of Near Dupe TX-0623. TX-0623 is missing the first two pages reflecting what box it came out of.		
TX-0626	JRP_00001869	JRP_00001873	2/8/1938	1938-02-08 Letter from RA Hill to F Clayton (TX_MSI_005242-5246)	A					

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DIRECT TESTIMONY EXHIBITS OF SCOTT MILTENBERGER

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TX-0627	JRP_00003867	JRP_00004432	12/12/1936	1936-12-12 Plaintiff's Case in Chief, Vols. V, VI, VII	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702	Other (Use Objection Notes), Rule of Completeness Fed. R. Evid. 106	This is part of a larger document - the entire document should be identified as an Exhibit.		
TX-0628	JRP_00007278	JRP_00007367	3/3/1938	1938-03-03 to 18 Proceedings of the Meeting of the RGCC	B		Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to be read.		
TX-0629	JRP_00007577	JRP_00007585	5/22/1939	1939-05-22 Flock to Commissioner re Protest Hudspeth Dist (2)	A					
TX-0630	JRP_00015271	JRP_00015285	4/2/1938	1938-04-02 Bliss re Provisions of the RG Compact	A					
TX-0632	TX_00146852	TX_00146877	12/15/1951	1951, October Term, in the Supreme Court of the United States, State of Texas v. State of New Mexico, et al., Return of Defendants to Rule to Show Cause dated December 15, 1951	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702	Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to be read.		
TX-0633	EBID_000467-	EBID_000467	8/1/1951	1951-08-01 LR Flock Rio Grande Project - Nw Mexico-Texas Water Announcement (TX_MSI_005897 and EBID_000467)	A					
TX-0634	EBID_000476	EBID_000476	3/1/1954	1954-03-01 WF Resch - Rio Grande Project - New Mexico-Texas, Water Announcement (TX_MSI_005901 and EBID_000467)	B		Irrelevant. Fed. R. Evid. 402, Other (Use Objection Notes)	No basis for this as an Exhibit.		
TX-0636	EBID_000472	EBID_000472	3/7/1952	1952-03-07 L.R. Flock, USBR Water Announcement (TX_MSI_005899 and EBID_000472; and JS000281 produced by Jennifer Stevens on 6/15/2020)	A					
TX-0637	EBID_000473	EBID_000473	4/7/1952	1952-04-07 Rio Grande Project - New Mexico-Texas Water Announcement (TX_MSI_005900 and EBID_000473)	A					
TX-0638	EBID_00475	EBID_000475	6/3/1953	1953-06-03 Statement from EBID Regarding the Current Water Situation (TX_MSI_006034 and EBID_000475)	A					
TX-0639	EBID_000477	EBID_000477	3/4/1954	1954-03-04 Statement from EBID Regarding the Current Water Situation (TX_MSI_006035 and EBID_000477)	A					
TX-0640	EBID_000479	EBID_000479	3/11/1955	1955-03-11 Board of Directors EBID to All Irrigation Well Owners (TX_MSI_006485 and EBID_000479)	A					
TX-0641	JRP_00000001	JRP_00000047	1/28/1935	1935-01-28, 30: Proceedings of the Rio Grande Compact Conference	B		Irrelevant. Fed. R. Evid. 402, Other (Use Objection Notes)	No basis for this as an Exhibit.		
TX-0642	JRP_00000152	JRP_00000155	1/23/1906	B.M. Hall, Supervising Engineer to Mr. David L. White, Territorial Irrigation Engineer, Jan. 23, 1906.	B		Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to be read.		
TX-0643	JRP_00000160	JRP_00000168	6/27/1906	Articles of Agreement by and between the U.S., acting in this behalf by Jesse E. Wilson, Acting Secretary of the Interior, and the Elephant Butte Water Users' Association of New Mexico and the El Paso Valley Water Users' Association, June 27, 1906.	B		Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to be read.		
TX-0644	JRP_00000169	JRP_00000173	3/26/1938	1938-03-26 Harper to SOI re Rio Grande Compact	B					
TX-0645	JRP_00000174	JRP_00000179	8/3/1938	1938-08-03 Clayton to Leonard re attitude towards compact	B		Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to be read.		
TX-0646	JRP_00000180	JRP_00000182	1/13/1938	1938-01-13 Neuffer to McClure re report of Committee of Eng	B		Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to be read.		
TX-0647	JRP_00000186	JRP_00000198	4/17/1913	1913-04-17 Davis to SOI re Wtr Supply RG 1912	B		Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to be read.		
TX-0648	JRP_00000452	JRP_00000460	3/5/1937	No. 12 Original, 1936 Term, State of Texas v. State of New Mexico, Statement by Special Master, dated March 5, 1937	A					

THE STATE OF COLORADO AND THE STATE OF NEW MEXICO'S OBJECTIONS TO
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Exhibit No.	Bates Begin	Bates End	Date	Exhibit Description	Category A, B, C	CO Objections [Fed. R. Evid.]	NM Objections [Fed. R. Evid.]	NM Objection Notes	Offered	Admit (A) Not Admit (NA)
TX-0649	JRP_00000461	JRP_00000463	12/17/1937	Handwritten Notes titled, "TEXAS COMPACT; John Bliss Estimate of Project Requirements at Elephant Butte" 12/17/37.	A					
TX-0650	JRP_00000804	JRP_00000807	1/27/1938	1938-01-27 Clayton to Harper re Engineers Recommendations to Commission	B		Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	illegible - copy too poor quality to be read.		
TX-0651	JRP_00000808	JRP_00000811	2/4/1938	1938-02-04 Hinderlider to Harper re report of Committee of Engineers	B		Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	illegible - copy too poor quality to be read.		
TX-0652	JRP_00000821	JRP_00000825	3/3/1933	An Act To extend the operation of the Act entitled, An Act For the temporary relief of water users on irrigation projects constructed and operated under the reclamation law, approved April 1, 1932, March 3, 1933, 47 Stat. 1427, chapter 200.	A					
TX-0653	JRP_00000830	JRP_00000841	9/13/1935	1935-09-13 Report of RG Board of Review	B		Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	illegible - copy too poor quality to be read.		
TX-0654	JRP_00001118	JRP_00001132	9/12/1929	1929-02-19 Wilson Rio Grande Compact	B		Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	illegible - copy too poor quality to be read.		
TX-0655	JRP_00001280	JRP_00001355	3/18/1905	B.M. Hall, Supervising Engineer, U.S. Reclamation Service; A Discussion of Past and Present Plans for Irrigation of the Rio Grande Valley, November 1904.	B		Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	illegible - copy too poor quality to be read.		
TX-0656	JRP_00001681	JRP_00001688	12/14/1934	1934-12-14 S.O. Harper, Chairman, RGCC, to Secretary of the Interior re meeting report	B		Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	illegible - copy too poor quality to be read.		
TX-0657	JRP_00001689	JRP_00001788	3/29/1905	1915 USRS, 14th Annual Rpt 1914-1915	A					
TX-0658	JRP_00001866	JRP_00001868	9/23/1935	1935-09-23 Pres to Fed agencies re proj apps	A		Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	illegible - copy too poor quality to be read.		
TX-0659	JRP_00001880	JRP_00001926	1914	1914 USRS, 12th Annual Report, 1912-13	A					
TX-0660	JRP_00001927	JRP_00001932	12/10/1888	International Dam in Rio Grande River, Near El Paso, Tex., 54th Cong., 1st sess., 1896, H. Doc. 125, 1-6: Letter from Col Anson Mills, Major 10th Cavalry to the Secretary of State dated 12/10/1888	A					
TX-0661	JRP_00001940	JRP_00002026	3/19/1905	Charles S. Slichter, Observations on the Ground Water of Rio Grande Valley, Department of the Interior, United States Geological Survey Water-Supply and Irrigation Paper No. 141 (GPO, 1905)	B	beyond scope of expertise FRE 702				
TX-0662	JRP_00002037	JRP_00002063	11/10/1937	1937-11-10 Contract El Paso County Water Improvement District No. 1	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702	Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	illegible - copy too poor quality to read.		
TX-0663	JRP_00002191	JRP_00002193	12/3/1935	1935-12-03 Resolution Passed by RGCC	A					
TX-0664	JRP_00002614	JRP_00002674	4/1/1905	1918 USRS, 17th Annual Report, 1917-18	A					
TX-0665	JRP_00002675	JRP_00002740	9/27/1937	1937-09-27 to 10-01 Proceedings of the Meeting of the RGC	A					
TX-0666	JRP_00002741	JRP_00002749	9/27/1939	1939-09-27 TX v NM, Final Report of the Special Master	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702				
TX-0667	JRP_00002754	JRP_00003200		Guy Elliott Mitchell, ed., The Official Proceedings of the Twelfth National Irrigation Congress, Held at El Paso, Texas, Nov. 15-16-17-18, 1904 (Galveston, TX: Clarke & Courts, 1905)	A					
TX-0668	JRP_00003207	JRP_00003321	11/12/1924	1924-11-12 Hamiele Embargo on the Upper Rio Grande	A					

THE STATE OF COLORADO AND THE STATE OF NEW MEXICO'S OBJECTIONS TO
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TX-0669	JRP_00004433	JRP_00004634		United States Congress, House of Representatives, Fund for Reclamation of Arid Lands: Message from the President of the United States, Transmitting a Report of the Board of Army Engineers in Relation to the Reclamation Fund, H. Doc. No. 1262, 61st Cong. 3d sess. (1911-12).	A					
TX-0670	JRP_00004635	JRP_00004637	1/25/1938	1938-01-25 Letter from T McClure to SO Harper	B		Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0671	JRP_00004662	JRP_00004742	12/19/1928	1928-12-19, 20, 21 Proceedings of RG Compact Conference	B		Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0672	JRP_00004803	JRP_00004807	7/25/1940	1940-07-25 Bashore to Robertson re Municipal water supply El Paso	B		Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0673	JRP_00004877	JRP_00004884	4/1/1932	An Act For the temporary relief of water users on irrigation projects constructed and operated under the reclamation law, April 1, 1932, 47 Stat. 75, chapter 94.	A					
TX-0674	JRP_00004970	JRP_00004974	11/26/1937	1937-11-26 Hill to Clayton re engineer meeting	A					
TX-0675	JRP_00005640	JRP_00005654	10/24/1935	1935, October Term, Supreme Court of the United States, State of Texas v. State of New Mexico, et al. State of Texas's Motion for Leave to File Bill of Complaint, Bill of Complaint, and Exhibit A, dated October 24, 1935.	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702	Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0676	JRP_00005655	JRP_00005660	6/17/1902	An Act Appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands, June 17, 1902, chap. 1093, Public, No. 161, 32 Stat. 388.	A					
TX-0677	JRP_00005665	JRP_00006260	4/21/1905	1938-02 Joint Investigation Report (JIR) (TX_MSI_004499-005088)	A					
TX-0678	JRP_00007082	JRP_00007108	5/27/1938	1938-05-27 Proceedings of Meeting Held at El Paso, Texas	A					
TX-0679	JRP_00007127	JRP_00007268	11/1/1929	1929-11-01 Contracts with Water User's Organizations	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702	Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0680	JRP_00007378	JRP_00007395	4/19/1905	1936-10 TX v NM, Ad Interim Report of the Special Master	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702				
TX-0681	JRP_00007573	JRP_00007576	4/10/1905	1927-08 Deblor Return Flow & Probs on Rec Projs	B	Relevance FRE 401, beyond scope of expertise FRE 702	Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0682	JRP_00008034	JRP_00008037	2/16/1938	1938-02-16 Contract between Elephant Butte and El Paso	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702	Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0683	JRP_00008209	JRP_00008213	1/14/1908	1908-01-14, Sup Eng to Sullivan re RG water notice	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702				
TX-0684	JRP_00008216	JRP_00008217		John Bliss Estimate of Project Requirements at Elephant Butte, typescript, undated, CB-F-137-34, Box 4X215, RAHP, UTA.	B	Relevance FRE 401, beyond scope of expertise FRE 702				
TX-0685	JRP_00008310	JRP_00008604	4/2/1905	1919-06 Wtr Supply For & Possible Devlps on Irr & Drainage	B	Relevance FRE 401, beyond scope of expertise FRE 702				
TX-0686	JRP_00008605	JRP_00008656	12/10/1934	1934-12-10, 11: Proceedings of the Rio Grande Compact Conference	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702				
TX-0687	JRP_00008659	JRP_00008661	3/26/1937	1937-03-26 SM to Burges re ppd of proceedings	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702				
TX-0688	JRP_00008719	JRP_00008748	11/9/1937	1937-11-09 Rio Grande Project Contract, EBID	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702	Admissible for Limited Purpose Only. Fed. R. Evid. 105, Confusing the Issues. Fed. R. Evid. 403, Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		

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TX-0689	JRP_00008773	JRP_00008907	February of 1938	1938-02 RJ Tipton Analysis of Report of Committee of Engineers to RGCC	B	Relevance, FRE 401, beyond scope of expertise FRE 702				
TX-0690	JRP_00008980	JRP_00009003	6/18/1919	1919-06-18 Conkling to Chief of Const re water supply rpt	B	Relevance, FRE 401, beyond scope of expertise FRE 702				
TX-0691	JRP_00012091	JRP_00012174	3/21/1905	1907, Lee, Water Resources in the Rio Grande Valley in NM, USGS WSIP 188	B	Relevance, FRE 401, beyond scope of expertise FRE 702				
TX-0692	JRP_00012249	JRP_00012262	4/7/1915	1915-04-07, Board of Engineers re Drainage	B	Relevance, FRE 401, beyond scope of expertise FRE 702	Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0693	JRP_00012263	JRP_00012325	3/31/1905	1917-02_Report on Mesilla and EPV Drainage RGP	B	Relevance, FRE 401, beyond scope of expertise FRE 702	Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0694	JRP_00012326	JRP_00012569	4/2/1905	1919-02 Hist of Drainage on the RGP	B	Relevance, FRE 401, beyond scope of expertise FRE 702	Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0695	JRP_00012726	JRP_00012735	1/9/1926	1926-01-08 NMSU-EBID 02-G-001-07	B	Relevance, FRE 401, beyond scope of expertise FRE 702				
TX-0696	JRP_00013044	JRP_00013062	4/19/1905	1936-02, John H. Bliss to Thomas A. McClure, State Engineer, New Mexico, Report on Investigation of Injivable Gains and Losses in the Channel of the Rio Grande from Elephant Butte to El Paso, Texas, February, 1936	B	Relevance, FRE 401, beyond scope of expertise FRE 702	Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0697	JRP_00014303	JRP_00014317	12/22/1937	1937-12-22 Committee to RG Compact Commissioners Prelim Draft of Rpt	B	Beyond scope of expertise, FRE 702				
TX-0698	JRP_00015286	JRP_00015502	5/7/1905	C. S. Conover, Ground-Water Conditions in the Rincon and Mesilla Valleys and Adjacent Areas in New Mexico, Geological Survey Water-Supply Paper 1230, Prepared in cooperation with the Elephant Butte Irrigation District, Department of the Interior (GPO, 1954)	B	Relevance, FRE 401, beyond scope of expertise FRE 702				Admitted
TX-0699	JRP_00015503	JRP_00015511	11/29/1956	102 S.E. Reynolds, State Engineer, Order Declaring the Rio Grande Underground Water Basin, November 29, 1956.	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702	Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0700	JRP_00015523	JRP_00015536	5/21/1905	S.E. Reynolds, State Engineer, State of New Mexico, "The Rio Grande Compact" in Clark S. Knowlton, ed., International Water Law Along the Mexican-American Border, Contribution No. 11 of The Committee on Desert and Arid Zones Research, Southwestern and Rocky Mountain Division, A.A.A.S. (El Paso: University of Texas, 1968).	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702				
TX-0701	JRP_00015537	JRP_00015565	4/29/1967	S.E. Reynolds, State Engineer, The Rio Grande Compact (April 29, 1968), 20-21. Folder 2062, Reynolds, The Rio Grande Compact, April 29, 1968	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702				
TX-0702	JRP_00015677	JRP_00015684	6/4/1905	Office of the New Mexico State Engineer, Rio Grande, Elephant Butte Dam to El Paso, Texas (1982), 1. Folder 11 Correspondence and data concerning Mesilla Valley pumping. 1982, Box 1, MS555 Joseph F. Friedman Papers, C.I. Sonnichsen Special Collections Department, University of Texas at El Paso.	B/C	relevance FRE 401, beyond scope of expertise FRE 702, authenticity or incomplete FRE 901	Hearsay. Fed. R. Evid. 803; Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	Author, purpose, context unknown - cannot be authenticated at trial.		
TX-0703	JRP_00015866	JRP_00015879	1/17/1983	United States District Court for the District of New Mexico, The City of El Paso, By and Through Its Public Service Board, etc. v. S. E. Reynolds, individually and as State Engineer of New Mexico, Jeff Bingham, individually and as Attorney General of New Mexico, Lalo Garza, individually and as New Mexico District Attorney for Dona Ana County, Defendants, Elephant Butte Irrigation District, The City of Las Cruces, New Mexico, and Stahmann Farms, Inc., Defendant-Intervenors (El Paso by Public Service Bd. v. Reynolds) Civ. No. 80-730 HB, January 17, 1983. 563 F. Supp. 379; 1983 U.S. Dist. LEXIS 19988; 13 ELR 20755. Provided by Somach Simmons & Dunn on 12/11/2019	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702				

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TX-0704	JRP_00015880	JRP_00015894	8/3/1984	United States District Court for the District of New Mexico, The City of El Paso, By and Through its Public Service Board, etc. v. S. E. Reynolds, individually and as State Engineer of New Mexico, Paul Bardacke, individually and as Attorney General of New Mexico, Lalo Garza, individually and as New Mexico District Attorney for Dona Ana County, Defendants, Elephant Butte Irrigation District, The City of Las Cruces, New Mexico, and Stahmann Farms, Inc., Defendant-Intervenor [El Paso by Public Service Bd. v. Reynolds], Civ. No. 80-730 HB, August 3, 1984. 597 F. Supp. 694; 1894 U.S. Dist. LEXIS 24568; 15 ELR 20259.	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702				
TX-0705	JRP_00015895	JRP_00015899	10/20/1989	United States Court of Appeals for the District of Columbia Circuit, In re Applications of El Paso, No. 88-5357, September 22, 1989, Argued, October 20, 1989, Decided. 887 F. 2d 1103; 1989 U.S. App. LEXIS 15897; 281 U.S. App. D.C. 112; 15 Fed. R. Serv. 3d (Callaghan) 22. Provided by Somach Simmons & Dunn on 12/11/2019	B	Legal opinion, FRE 701, relevance FRE 401, beyond scope of expertise FRE 702				
TX-0706	JRP_00015900	JRP_00015915	5/15/2006	Memorandum, Office of the State Engineer, District 4, May 15, 2003, File: LG-1776, To: John R. D'Antonio Jr., State Engineer, Paul Saavedra, Water Rights Division Chief, John Romero, WRAP Director, Through: Calvin Chavez, District Supervisor, From: Erik H. Fuchs, Lower Rio Grande Basin Supervisor, Re: Emergency Application for Permit for Supplemental Wells, Local Impairment analysis and issues for consideration, Applicant: Elephant Butte Irrigation District, 2-3, and 11-12.	B		Cumulative. Fed. R. Evid. 403			
TX-0707	JRP_00015995	JRP_00016043	7/1/1952	USBR Report on River Loss Caballo Dam to El Paso Irrigation Wells (7/1/1952)	B	Relevance FRE 401, beyond scope of expertise FRE 702				
TX-0710	NM_00156900	NM-00156905	1/6/1936	H.C. Neuffer, Memorandum, Subject: Report of Committee of Engineers to Rio Grande Compact Commissioners, December 27, 1937, January 6, 1938, produced as NM_00156900 - NM_00156905 (NM_00156736 at p. 165 of 271)						
TX-0711	NM_00164500	NM_00164516	10/28/1938	Thomas B. McClure, State Engineer, "Analysis of the Compact and Summary" (at 4/11/1938 NMISC meeting the terms of the Compact were explained and discussed and the action of the Compact Commission was fully approved); "Analysis of Compact" by M.C. Hinderlider (10/28/1938) attached.	B/C	Authenticity FRE 901	Other (Use Objection Notes) Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	Source unknown. Part illegible. Appears to be two separate documents.		
TX-0713	TX_00100815	TX_00100819	2/17/1941	John C. Page to Secretary of the Interior, Letter requesting approval of proposed contract among the United States, the City of El Paso and the El Paso County Water Improvement District No. 1, providing the City of El Paso with supplemental water supply, dated 2/17/1941	B	Relevance FRE 401	Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0714	TX_00100932	TX_00100935	11/22/1944	J. Kennard Chadle, Acting Commissioner, to The Secretary of the Interior, Letter re enclosed proposed contract among United States, City of El Paso, El Paso County Water Improvement District No. 1 and Elephant Butte Irrigation District, to furnish water supply from Rio Grande Project to City of El Paso, dated November 22, 1944	B	Relevance FRE 401	Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0715	TX_00115254	TX_00115257	5/20/1925	Hubert Work to The Commissioner of the General Land Office, Rio Grande Embargo, dated May 20, 1925.						
TX-0716	TX_00123367	TX_00123371	6/1/1925	J.O. Seth to A.T. Hannett, views and reasons for tendering resignation as Rio Grande Commissioner, dated June 1, 1925	B		Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0717	TX_00129280	TX_00129292	5/1/1905	RGCC, Minutes of the Ninth Annual (19th) Meeting of the Rio Grande Commission held February 22, 23, 24, 1948	B		Other (Use Objection Notes) Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0718	TX_00146832	TX_00146851	5/4/1905	1951, October Term: In the Supreme Court of the United States, State of Texas v. State of New Mexico, et al., Motion for Leave to File Complaint and Complaint, dated 10/27/1954	B	Legal opinion FRE 701				

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DIRECT TESTIMONY EXHIBITS OF SCOTT MILTENBERGER

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TX-0719	TX_00147193	TX_00147196	4/28/1952	9 Orig., State of Texas v. State of New Mexico, et al., Bill in Equity, filed April 28, 1952, denying Motion to Amend Bill of Complaint, granting Motion to Dismiss, striking complaint from docket for failure to add U.S. as indispensable party.	B	Legal opinion FRE 701				
TX-0720	TX_00147197	TX_00147199	12/5/1896	D.B. Francis, Secretary, to The Commissioner of the General Land Office, December 5, 1896 re Suspension of Applications for use of water of the Rio Grande	B	Relevance FRE 401				
TX-0721	TX_00150532	TX_00150537	1/17/1941	Memorandum for Mr. Stinson (Harrell), Subject: Rio Grande Project "Sale of Water to City of El Paso for supplemental supply for Municipal purposes, January 17, 1941.	B		Other (Use Objection Notes)	Illegible - copy too poor quality to read. Requirement of the Original: Applies to Contracts between US and districts dated Nov. 9 and 10, 1937; letter to the commissioner dated June 17, 1940		
TX-0722	TX_00151142	TX_00151159	12/1/1924	Contract between the United States and Hudspeth County Conservation and Reclamation District No. 1 for sale of surplus and recovered waters, dated December 1, 1924	B		Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0723	TX_00156150	TX_00156157		Article in Texas Bar Journal: "Colorado's Snow Melt Reaching El Paso, A Status Report on No. 29 Original, U. S. Supreme Court"	B	Legal opinion FRE 701; relevance FRE 401; beyond scope of expertise FRE 702	Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0724	TX_00156319	TX_00156346		1966, October Term, in the Supreme Court of the United States, State of Texas and State of New Mexico, v. The State of Colorado, Motion for Leave to File Complaint and Complaint undated, 1966	B	Legal opinion FRE 701; relevance FRE 401; beyond scope of expertise FRE 702	Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0725	TX_00175953	TX_00175954	9/10/1980	Memo to S.E. Reynolds from D.E. Gray re Lower Rio Grande and recommendation that LRG Underground Water Basin be declared to include surface drainage of the RG stream system in NM from the NM-TX stateline (south) to above Radium Springs (north), produced as TX_00175953-TX_00175954.	B	Legal opinion FRE 701, relevance FRE 401, beyond scope of expertise FRE 702	Other (Use Objection Notes), Rule of Completeness Fed. R. Evid. 106	Missing copies of the proposed State Engineer Order No. 126, press release, and map.		
TX-0726	TX_00491498	TX_00491550	5/16/1905	1963, E. R. Leggat, M.E. Lowry, and J.W. Hood: USGS Water-Supply Paper 1669-AA (TX_00491498-TX_00491550; and JS000287 produced by Jennifer Stevens on 6/15/2020)	B	Relevance FRE 401, beyond scope of expertise FRE 702				
TX-0727	TX_MSI_006486	TX_MSI_006491	6/9/1905	Ira G. Clark, Water in New Mexico: A History of its Management and Use (Albuquerque: University of New Mexico Press, 1987), 675.	B/C	authenticity FRE 901	Other (Use Objection Notes), Rule of Completeness Fed. R. Evid. 106	Only one page selected from a book.		
TX-0730	JRP_00000464	JRP_00000501	10/26/1924	1924-10-26 First Meeting RG River Compact Commission	A					
TX-0731	JRP_00008306	JRP_00008309	2/26/1905	The Statutes at Large: An Act Relating to the construction of a dam and reservoir on the Rio Grande, in New Mexico, for the impounding of the flood waters of said river for purposes of irrigation, February 26, 1905, chap. 798, Pub. L. No. 58-104, 33 Stat. 814.	B	Legal opinion FRE 701				
TX-0732	TX_MSI_005847	TX_MSI_005852	6/24/1905	Donald J. Pisani, Water and American Government: The Reclamation Bureau, National Water Policy, and the West, 1902-1935 (Berkeley: University of California Press, 2002), 149 [excerpt].	B		Other (Use Objection Notes), Rule of Completeness Fed. R. Evid. 106	Only 2 pages from a book.		
TX-0735	JRP_00000450	JRP_00000451	9/29/1938	1938-09-29 Smith to Clayton re div of wtrs below Elephant Butte	A					
TX-0736	JRP_00005599	JRP_00005603	2/18/1929	Memorandum, From: Chief Engineer, To: Commissioner, Subject: Determination of irrigable acreage and total construction liability of the irrigation districts - Rio Grande Project, February 18, 1929.	A					
TX-0737	JRP_00009004	JRP_00009009	5/28/1928	The Statutes at Large: An Act Extending the time of construction payments on the Rio Grande Federal Irrigation project, New Mexico-Texas, May 28, 1928, chap. 815, Pub. L. No. 70-556, 45 Stat. 785.	B	Legal opinion FRE 701				
TX-0739	TX_00117143	TX_00117145	10/22/1937	Roland Harwell, Manager, to L.R. Flock, Superintendent, Bureau of Reclamation, October 22nd, 1937.	B		Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0740	TX_00117146	TX_00117149	10/23/1937	Memorandum, From: Superintendent [L.R. Flock], To: The Commissioner, Washington, D.C. [John C. Page], Subject: Interdistrict Agreement regarding Irrigable Area - Rio Grande Project, October 23, 1937.	B		Other (Use Objection Notes), Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		

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Exhibit No.	Bates Begin	Bates End	Date	Exhibit Description	Category A, B, C	CO Objections [Fed. R. Evid.]	NM Objections [Fed. R. Evid.]	NM Objection Notes	Offered	Admit (A) Not Admit (NA)
TX-0741	TX_00117157	TX_00117160	11/2/1937	Memorandum, From: Chief Engineer [R.F. Walter], To: The Commissioner, Washington, DC [John C. Page], Subject: Inter district Agreement regarding Irrigable Area - Rio Grande Project, November 2, 1937.	B		Other (Use Objection Notes),Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0742	TX_00117161	TX_00117163	11/2/1937	Memorandum, From: Commissioner [John C. Page], To: Superintendent, El Paso Texas, Subject: Interdistrict Agreement regarding Irrigable Area - Rio Grande Project., Nov. 2, 1937.	B		Other (Use Objection Notes),Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0743	TX_00117177	TX_00117180	11/9/1937	L.R. Flock, Superintendent, to Roland Harwell, Manager, November 9, 1937.	B		Other (Use Objection Notes),Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0744	TX_00117185	TX_00117187	11/10/1937	Roland Harwell, Manager, to L.R. Flock, Project Superintendent, November 10th, 1937.	B		Other (Use Objection Notes),Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0745	TX_00117193	TX_00117195	11/12/1937	Memorandum, From: Superintendent [L.R. Flock], To: The Commissioner, Washington, DC [Through Chief Engineer], Subject: Interdistrict Agreement regarding Irrigable Area - Rio Grande Project, November 12, 1937.	B		Other (Use Objection Notes),Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0746	TX_00117205	TX_00117207	11/29/1937	John C. Page, Commissioner to The Secretary of the Interior, November 29, 1937.	B		Other (Use Objection Notes),Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0747	TX_00117211	TX_00117213	12/1/1937	Memorandum, From: Acting Commissioner [R. Williams], To: Superintendent, El Paso, Texas, Dec. 1, 1937.	B		Other (Use Objection Notes),Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0748	TX_00117217	TX_00117219	12/9/1937	L.R. Flock, Superintendent, to Roland Harwell, Manager, December 9, 1937	B		Other (Use Objection Notes),Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0749	TX_00117250	TX_00117252	1/31/1938	Memorandum, From: Commissioner [John C. Page], To: Superintendent, El Paso, Texas, Subject: Interdistrict agreement regarding irrigable area, Rio Grande Project, January 31, 1938.	B		Other (Use Objection Notes),Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0750	TX_00117257	TX_00117259	2/11/1938	L.R. Flock, Superintendent, to N.B. Philips, Manager, Elephant Butte Irrigation District, and Roland Harwell, Manager, El Paso County Water Improvement District No. 1, February 11, 1938.	B		Other (Use Objection Notes),Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0751	TX_00117270	TX_00117272	3/5/1938	Roland Harwell, Manager, to L.R. Flock, Project Superintendent, March 5th, 1938.	B		Other (Use Objection Notes),Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0752	TX_00117273	TX_00117275	3/7/1938	Memorandum, From: Superintendent [L.R. Flock], To: The Commissioner (Through Chief Engineer, Denver, Colorado), Subject: Interdistrict Agreement regarding Irrigable Area - Rio Grande Project, March 7, 1938.	B		Other (Use Objection Notes)	Illegible - copy too poor quality to read. Best evidence rule- applies to Mr. Harwell's letter and the Commissioner's letter of January 31.		
TX-0753	TX_00127231	TX_00127233		Contract between Elephant Butte Irrigation District and El Paso County Water Improvement District No. 1 re acreage to be irrigated	B/C	authenticity FRE 901; legal opinion FRE 701				
TX-0794	JRP_00016332	JRP_00016338	8/1/2021	S. Miltenberger, Ph.D. Resume (updated Aug. 1, 2021)	B	Hearsay FRE 801				
TX-0849	TX_00092946	TX_00092951		Records of the Bureau of Reclamation, General Administrative and Project Records 1919-1945, Project Files 1919-1929, Rio Grande 013- 032 - What Becomes of the Irrigation Water?	B	Relevance FRE 401; beyond scope of expertise FRE 702	Other (Use Objection Notes),Unfair Prejudice. Fed. R. Evid. 403	Illegible - copy too poor quality to read.		
TX-0854	TX_00170962	TX_00170966	7/6/1917	United States and Elephant Butte Water Users' Association, advancement of funds for drainage construction (7/6/1917)	B	Legal opinion FRE 701				
TX-0855	TX_00170993	TX_00170995	7/19/1922	United States and Elephant Butte Irrigation District, assigning to the District certain water accounts (7/1/1922)	B	Legal opinion FRE 701				
TX-1204	JRP_00015685	JRP_00015686	7/10/1985	Harshbarger to Wootton re NM State Engineer Report (7/10/1985)	B/C	beyond scope of expertise FRE 702	Other (Use Objection Notes), Rule of Completeness Fed. R. Evid. 106; Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	No enclosure; Re enclosure / attachment - author, purpose, context unknown so enclosure/attachment cannot be authenticated at trial		
TX-1205	JRP_00015695	JRP_00015696	7/16/1985	Wootton to Baumli re NM State Engineer Report (7/16/1985)	B/C	beyond scope of expertise FRE 702	Other (Use Objection Notes), Rule of Completeness Fed. R. Evid. 106; Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	No Attachment; Re attachment - author, purpose, context unknown so cannot be authenticated at trial		

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Exhibit No.	Bates Begin	Bates End	Date	Exhibit Description	Category A, B, C	CO Objections [Fed. R. Evid.]	NM Objections [Fed. R. Evid.]	NM Objection Notes	Offered	Admit (A) Not Admit (NA)
TX-1206	JRP_00015687	JRP_00015694	7/15/1985	Wootton to Comm re NM State Eng Report (7/15/1985)	B/C	beyond scope of expertise FRE 702	Other (Use Objection Notes); Rule of Completeness Fed. R. Evid. 106; Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	No Attachment; Re attachment - author, purpose, context unknown so cannot be authenticated at trial		
TX-1209	TX_MSJ_002288	TX_MSJ_002292	1/16/1907	U.S. President re Signed Convention (1/16/1907)	B	Legal opinion FRE 701	Confusing the Issues. Fed. R. Evid. 403, Cumulative. Fed. R. Evid. 403, Other (Use Objection Notes); Unfair Prejudice. Fed. R. Evid. 403	illegible - copy too poor quality to read.		
TX-1210	JRP_00011286		1923	Map of the "Rio Grande Irrigation Project," 1923, from the Charles Warren Papers, Harvard Law School Library Special Collections.	A					
TX-1211	RIBRANDES-ESI_00000958		4/21/1905	Rio Grande Joint Investigation, General Map, Upper Rio Grande Basin and Portion San Juan River Basin, 1936," in National Resources Committee, Regional Planning Part VI - The Rio Grande Joint Investigation in the Upper Rio Grande Basin in Colorado, New Mexico, and Texas 1936-1937, February 1938, vol. 2 (GPO, 1938), Plate I (annotated)	A					
US-0304	US-0304_0001	US-0304_0005	7/6/1917	United States and Elephant Butte Water Users' Association, advancement of funds for drainage construction	B	Legal opinion FRE 701; relevance FRE 401				
US-0305	US-0305_0001	US-0305_0004	10/11/1919	United States and Elephant Butte Irrigation District for advancing funds for drainage operations	B	Legal opinion FRE 701; relevance FRE 401				
US-0306	US-0306_0001	US-0306_0011	6/15/1918	Contract between the United States and EBID and the Elephant Butte Water Users Association for Repayment of Construction and Operation and Maintenance Charges	B	Legal opinion FRE 701; relevance FRE 401				
US-0307	US-0307_0001	US-0307_0002	11/15/2016	Memorandum dated November 15, 2016 re: Expert Historical Opinion on Provenance of document "Rio Grande, Elephant Butte Dam to El Paso, Texas"	B/C	Hearsay FRE 801	Confusing the Issues. Fed. R. Evid. 403, Hearsay. Fed. R. Evid. 803, Inaccurate Summary to Prove Content. Fed. R. Evid. 1006, Other (Use Objection Notes); Cannot be Authenticated At Trial. Fed. R. Evid. 901(A)	Object to this exhibit in its entirety for the same reasons that NM objects to TX-1204, TX-1205, TX-1206 and TX-0702 - please refer to the objections recorded for each of these Exhibits and the same are incorporated by reference here.		
US-0603	US-0603_0001	US-0603_0009	1/3/1923	Letter re: utilization of waters of the Rio Grande river and protection of water rights	B	Legal opinion FRE 701; relevance FRE 401, hearsay FRE 801				
US-0635	US-0635_0001	US-0635_0007	9/12/1966	Statement by M. Royce J. Tipton	B	Legal opinion FRE 701, relevance FRE 401, beyond scope of expertise FRE 702, hearsay FRE 801, authenticity FRE 901				

THE STATE OF TEXAS AND UNITED STATES' OBJECTIONS TO THE STATE OF NEW MEXICO'S SCOTT MILTENBERGER CROSS EXHIBITS

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
CO-0004	CO - 007548	CO - 008139	12/23/1937	1938 THE RIO GRANDE JOINT INVESTIGATION IN THE UPPER RIO GRANDE BASIN	A			
JT-0218	BOR0011654	BOR0011713	12/31/1953	Rio Grande Project History 1953 2 of 6.pdf	A			
JT-0426	NM_00063486	NM_00063487	2/16/1938	1938 Downstream Contract	A			
JT-0428	NM_00100914	NM_00100930	2/25/1952	Rio Grande Compact, Act of May 31, 1939, 53 Stat. 785 ("Compact") (Amended)	See note			Admitted
JT-0430; US-0472	NM_00103166	NM_00103305	11/1/1919	Report to Bureau of Reclamation: Rio Grande Project, Report on Water Supply and Project Area High Line Canal Construction Power Development and City Water Supplies	See note			Admitted
JT-0432	NM_00111576	NM_00112032	11/15/1904	The Official Proceedings of the Twelfth National Irrigation Congress Held at El Paso, Texas, Nov. 15-16-17-18, 1904	A			
JT-0443	NM_00425603	NM_00425607	4/20/2007	Affidavit of Filiberto Cortez In EPCWID v EBID and	A			
JT-0444	NM2_00004445	NM2_00004472	9/1/1947	Conover, Clyde S. Preliminary Memorandum on Ground-Water Supplies for Elephant Butte Irrigation District, September 1947	See note			Admitted
JT-0446	NM2_00040507	NM2_00040573	4/1/1903	Pumping for Irrigation from Wells	A			
JT-0462	US0551673	US0551721	7/1/1952	River Loss Caballo Dam to El Paso and Irrigation Wells	A			

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JT-0466	NM_00166701	NM_00166788	1/12/1905	Observations on the Ground Waters of Rio Grande Valley, U.S. Geological Survey Water-Supply and Irrigation Paper No. 141 (Washington, D.C.: Government Printing Office, 1905)	A			
NM-0435	NM_00029501	NM_00029554	2/19/1951	Water Announcements from Rio Grande Project Histories 1951-1957	A			
NM-0445; US-0477	NM_00058798	NM_00058798	9/29/1938	TX Compact apportionment and role of Project	A			
NM-0499	NM_00124489	NM_00124696	1/1/1954	Ground-Water Conditions in the Rincon and Mesilla Valleys and Adjacent Areas in New Mexico. Geological Survey Water-Supply Paper 1230, prepared in cooperation with the Elephant Butte Irrigation District	A			
NM-0502	NM_00125343	NM_00125419	11/1/1961	Groundwater Conditions in the Elephant Butte Irrigation District	A			
NM-0899	NM_00472115	NM_00472116	6/12/1951	Newspaper Article - El Paso Herald Post Jun 12 1951	B,C	TX Objects - Relevance, Confusing (Fed. R. Evid. 401, 403)	TX Objects - Foundation (Fed. R. Evid. 602); Authenticity (Fed. R. Evid. 901)	
NM-1035	NM_EX-334	NM_EX-334	8/27/1946	Water Announcements from Rio Grande Project Histories 1946-1950	A			
NM-1419	NM2_00036559	NM2_00036561	3/26/1938	Frank B. Clayton, Rio Grande Compact Commissioner for Texas, to Hon. F.S. Robertson, Secretary, Water Conservation Association	A			
NM-1546	NM2_00039070	NM2_00039122	1/1/1963	Ground-Water Resources of the Lower Mesilla Valley, Texas and New Mexico	A			

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NM-1602	NM2_00039678	NM2_00039681	7/9/1904	B.M. Hall, Supervising Engineer, to Mr. Charles S. Slichter, Consulting Engineer July 9, 1904	A			
NM-1657	NM2_00040503	NM2_00040504	9/30/1950	Department of the Interior, United States Geological Survey, Press Release, Ground-Water Pumping to Temper Effects of Droughts in Elephant Butte District, N. Mex,	A			
NM-2119; US-0461; TX 0479	TX_00132868	TX_00132869	10/4/1938	TX apportionment and role of Project	A			
NM-2302; TX_0542	US0186530	US0186535	1/27/1936	Letter from Raymond A. Hill, Engineer Advisor, State of Texas, to Frank B. Clayton, Rio Grande Compact Commissioner, State of Texas	A			
NM-2303	US0186588	US0186591	2/1/1936	Frank B. Clayton, Rio Grande Compact Commissioner for Texas, to National Resource Committee - Reference Memorandum of January 10, 1936	A			
NM-3000			8/6/2020	Nicolai Kryloff Deposition Designations	See note			Admitted
TX-0504	NM_00011802	NM_00011915	3/25/1982	Transcript of Proceedings of the 43rd Annual Meeting of the Rio Grande Compact Commission (Mar. 25, 1982)	A			
TX-0513	NM_00113002	NM_00113008	1/23/1906	1906 and 1908 Letter of Appropriation for Rio Grande Project	A			
TX-0659	JRP_00001880	JRP_00001926	1/1/1914	12th Annual Report of the Reclamation Service, 1912-13	A			
TX-0718	TX_00146832	TX_00146851	10/30/1951	Original Action No. 9: Motion for Leave to File Complaint and Complaint	A			
US-0620	US0721361	US0721374	2/12/1929	Rio Grande Compact of 1929	A			

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US-0656	US0187582	US0187718	7/1/1956	July 1956 RECONNAISSANCE REPORT on WATER CONSERVATION PLANS for RIO GRANDE PROJECT NEW MEXICO - TEXAS	A			