

No. 141, Original

IN THE
SUPREME COURT OF THE UNITED STATES

STATE OF TEXAS,

Plaintiff,

v.

STATE OF NEW MEXICO and
STATE OF COLORADO,

Defendants.

OFFICE OF THE SPECIAL MASTER

**STATE OF NEW MEXICO'S NOTICE OF EXHIBIT
DISCLOSURES AND OBJECTIONS FOR
JOHN LONGWORTH**

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November 7, 2021

In response to the Special Master's September 16, 2021 Order Regarding Remote Trial Protocols, the State of New Mexico provides the following exhibit disclosures and objections for John Longworth. As of this filing, the parties anticipate that Mr. Longworth will testify on November 8, 2021. Accordingly, the State of New Mexico provides the following:

Attachment 1: The John Longworth direct-examination exhibit index, which identifies the States of Texas's and the United States of America's objections.

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

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

Dated: November 7, 2021

Respectfully submitted,

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

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STATE OF NEW MEXICO'S CERTIFICATE OF SERVICE

This is to certify that on this 7th day of November, 2021, I caused a true and correct copy of **THE STATE OF NEW MEXICO'S NOTICE OF EXHIBIT DISCLOSURES AND OBJECTIONS FOR JOHN LONGWORTH** to be served upon all parties and *amici curiae*, by and through the attorneys of record and/or designated representatives for each party and *amicus curiae* in this original action. As permitted by order of the Special Master, and agreement among the parties, service was effected by electronic mail to those individuals listed on the attached service list, which reflects all updates and revisions through the current date.

Respectfully submitted,

Dated: November 7, 2021

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Trialexno	ProdBeg	ProdEnd	Date	Subject/Title	Category (A, B, C)	Category B Objections (Cite Fed. R. Evid.)	Category C Objections (Cite Fed. R. Evid.)	Objection Notes
JT-0448	NM2_00054780	NM2_00054791	5/3/2004	Evapotranspiration of flood-irrigated pecans.	A			
JT-0451	Tillman-DepoEX0004_00001	Tillman-DepoEX0004_00010	5/3/2007	Energy Balance Measurements and a Simple Model for Estimating Pecan Water Use Efficiency dated May 3, 2007	A			
JT-0472	TX_00175943	TX_00175952	8/16/2012	Order Granting the State's Motion to Dismiss the United States' Claims to Groundwater and Denying the United States' Motion for Summary Judgment:D-307-CV-96-888	B,C	TX & US Object - Potential for Confusion (Fed. R. Evid. 403)	TX & US Object - Foundation (Fed. R. Evid. 602)	
JT-0473	NM_EX-536_0001	NM_EX-536_0056	4/17/2017	Findings of Fact and Conclusions of Law, State of New Mexico ex rel. Office of the State Engineer v. Elephant Butte Irrigation District, CV-96-888 In the Third Judicial District, Dona Ana County, State of New Mexico (SS104 Findings)	B,C	TX & US Object - Potential for Confusion (Fed. R. Evid. 403)	TX & US Object - Foundation (Fed. R. Evid. 602)	
JT-0474	NM_EX-541_0001	NM_EX-541_0026	8/22/2011	Final Judgment, State of New Mexico ex rel. Office of the State Engineer v. Elephant Butte Irrigation District, CV-96-888 In the Third Judicial District, Dona Ana County, State of New Mexico (SS101 LRG Adjudication Order)	ADMITTED			
NM-0540	NM_00139963	NM_00140011	8/1/2004	Crop Evapotranspiration Study for Dona Ana County, NM	A			
NM-0604	NM_00208791	NM_00208800	9/25/2009	State of NM vs. EBID - Report of the State of New Mexico on the Methodology for Determining Irrigation Water Requirements	B	TX & US Object -Rule of Completeness (Fed. R. Evid. 106)		
NM-0604A			9/25/2009	State of NM vs. EBID - Report of the State of New Mexico on the Methodology for Determining Irrigation Water Requirements	SEE NOTE			New Mexico produces this revised copy of the filing with the attachment to remedy the objection to NM-0604. Texas and the United States have not had an opportunity to disclose any objections.
NM-0660	NM_00268596	NM_00268671	6/1/2004	Guidelines for Preparing 40-Year Plans for Individual and Regional Water Systems in New Mexico	B,C	TX & US Object - Hearsay (Fed. R. Evid. 802)	TX & US Object - Foundation (Fed. R. Evid. 602)	
NM-0664	NM_00271524	NM_00271557	6/1/2008	Supplemental Report to Water Use by Categories in NM Counties and River Basins & Irrigated Acreage in 2005	A			
NM-0666	NM_00273851	NM_00273994	10/1/2013	New Mexico Water Use by Categories 2010	A			
NM-0764	NM_00398904	NM_00399045	5/1/2019	New Mexico Water Use by Categories 2015	A			
NM-0772	NM_00425252	NM_00425373	6/1/2008	New Mexico Water Use by Categories 2005	A			

TX and US Objections to NM Direct Examination Exhibits for John Longworth

Trialexno	ProdBeg	ProdEnd	Date	Subject/Title	Category (A, B, C)	Category B Objections (Cite Fed. R. Evid.)	Category C Objections (Cite Fed. R. Evid.)	Objection Notes
NM-0808	NM_00467458	NM_00467466	2/17/2014	Order (1) Granting Summary Judgment Regarding the Amounts of Water; (2) Denying Summary Judgment Regarding Priority Date; (3) Denying Summary Judgment to the Pre-1906 Claimants; and (4) Setting a Scheduling Conference:D-307-CV-96-888	B,C	TX & US Object - Potential for Confusion (Fed. R. Evid. 403)	TX & US Object - Foundation (Fed. R. Evid. 602)	
NM-0877	NM_00471999	NM_00472001	11/9/2020	Information Sheet - NMISC LRG Groundwater Conservation Pilot Program	C		US Objects to Authenticity (Fed. R. Evid. 901)	
NM-0880	NM_00472025	NM_00472027	7/1/2020	LRG WCPP Grant Term Sheet	C		US Objects to Authenticity (Fed. R. Evid. 901)	
NM-0882	NM_00472066	NM_00472075	11/12/2020	OSE Listening Session Report/Groundwater Conservation Pilot Program for the LRG	B	TX & US Object - Hearsay (Fed. R. Evid. 802)		
NM-0884	NM_00472077	NM_00472081	11/12/2020	FAQ Re: NM ISC LRG Groundwater Conservation Pilot Program	B, C	TX & US Object - Relevance (Fed. R. Evid. 401, 403)	US Objects to Authenticity (Fed. R. Evid. 901)	
NM-1018	NM_00474936	NM_00474938	6/25/2021	LRG Water Management Pilot Project - Webpage	B	TX & US Object - Relevance (Fed. R. Evid. 401, 403)		
NM-1389	NM2_00033537	NM2_00034509	12/1/2000	Lower Rio Grande Basin Hydrographic Survey Report, Southern Mesilla Valley Section Volume IV.	B	TX & US Object - Cumulative (Fed. R. Evid. 403), Rule of Completeness (Fed. R. Evid. 106)		
NM-DEMO-052	NM-DEMO-052	NM-DEMO-052	11/3/2021	Longworth CV	A			
US-0417	US0782886	US0782890	8/20/2011	Subfile Offer of Judgment to Settle the United States of America's Rio Grande Project Rights	B,C	TX & US Object - Potential for Confusion (Fed. R. Evid. 403)	TX & US Object - Foundation (Fed. R. Evid. 602)	

New Mexico Objections to Texas and United States Cross Examination Exhibits for John Longworth

Trialxno	ProdBeg	ProdEnd	Date	Subject/Title	Category	Category B Objections	Category C Objections	ObjectionNotes
NM-0025	BOR0021817	BOR0021840	1/5/1999	Mesilla Valley Administrative Area Guidelines for Review of Water Right Applications	ADMITTED			
NM-0126	EBID_NM_002944-0001	EBID_NM_002944-0013	2/12/2011	Computation of Crop Mix CIR in the Lower Rio Grande Valley	B	Hearsay. Fed. R. Evid. 802		New Mexico has no objection to the admission of this exhibit for non-hearsay purposes, such as to show the positions of the parties in SSI 101 or the positions of the witness. However, to the extent the adjudication court adopted a different FDR or CIR, New Mexico objects to the exhibit being offered for the truth of the matter asserted.
NM-0346	Longworth-DepoEX0007_00001	Longworth-DepoEX0007_00023	1/28/2011	Lower Rio Grande Basinwide Consumptive Irrigation Requirement Analysis dated 1/28/11	B	Hearsay. Fed. R. Evid. 802		New Mexico has no objection to the admission of this exhibit for non-hearsay purposes, such as to show the positions of the parties in SSI 101 or the positions of the witness. However, to the extent the adjudication court adopted a different FDR or CIR, New Mexico objects to the exhibit being offered for the truth of the matter asserted.
NM-0473	NM_00081331	NM_00081338	1/1/2011	Comparison of 2009 Farm Deliveries and Farm Delivery Requirement Calculations of the LRG	B	Hearsay. Fed. R. Evid. 802		New Mexico has no objection to the admission of this exhibit for non-hearsay purposes, such as to show the positions of the parties in SSI 101 or the positions of the witness. However, to the extent the adjudication court adopted a different FDR or CIR, New Mexico objects to the exhibit being offered for the truth of the matter asserted.
NM-0475	NM_00081951	NM_00081960	4/21/2011	Revised Comparison of 2009 Farm Deliveries with Farm Delivery Requirement Calculations for the LRG - Rebuttal Expert Report, Exhibit in SS 101	B	Hearsay. Fed. R. Evid. 802		New Mexico has no objection to the admission of this exhibit for non-hearsay purposes, such as to show the positions of the parties in SSI 101 or the positions of the witness. However, to the extent the adjudication court adopted a different FDR or CIR, New Mexico objects to the exhibit being offered for the truth of the matter asserted.
NM-0476	NM_00082472	NM_00082483	4/21/2011	State Exh No. 24 - State of NM ex rel, OSE vs. EBID et al. No. CV-96-888 - Cropping Pattern Report	B	Hearsay. Fed. R. Evid. 802		New Mexico has no objection to the admission of this exhibit for non-hearsay purposes, such as to show the positions of the parties in SSI 101 or the positions of the witness. However, to the extent the adjudication court relied on a different crop mix calculation, New Mexico objects to the exhibit being offered for the truth of the matter asserted.
NM-0536	NM_00137275	NM_00137283	4/20/2011	Assessment of procedures used by the NMOSE to estimate budbreak of Pecans	B	Hearsay. Fed. R. Evid. 802		New Mexico has no objection to the admission of this exhibit for non-hearsay purposes, such as to show the positions of the parties in SSI 101 or the positions of the witness. However, New Mexico objects to the exhibit being offered for the truth of the matter asserted.
NM-0582	NM_00178503	NM_00178534	4/21/2011	Rebuttal Report: LRG Basinwide Consumptive Irrigation Requirement Analysis	B	Hearsay. Fed. R. Evid. 802		New Mexico has no objection to the admission of this exhibit for non-hearsay purposes, such as to show the positions of the parties in SSI 101 or the positions of the witness. However, to the extent the adjudication court adopted a different FDR or CIR, New Mexico objects to the exhibit being offered for the truth of the matter asserted.
NM-2386	US0414126	US0414159	8/8/2011	Complaint for Declaratory and Injunctive Relief, New Mexico v. United States, No. 1:11-cv-00691 (D.N.M. Aug. 8, 2011)	A			

New Mexico Objections to Texas and United States Cross Examination Exhibits for John Longworth

Trialexno	ProdBeg	ProdEnd	Date	Subject/Title	Category	Category B Objections	Category C Objections	ObjectionNotes
TX-0221	TX_DEPO-EX_00075962	TX_DEPO-EX_00075981	11/20/2020	Longworth, John Exhibit from Deposition Testimony, Vol. 2JL EXHIBIT NO. 10: Lower Rio Grande Pecan Consumptive Irrigation Requirement Analysis	B	Hearsay. Fed. R. Evid. 802		New Mexico has no objection to the admission of this exhibit for non-hearsay purposes, such as to show the positions of the parties in SSI 101 or the positions of the witness. However, to the extent the adjudication court adopted a different FDR or CIR, New Mexico objects to the exhibit being offered for the truth of the matter asserted.