

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
RYAN SERRANO**

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November 8, 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 Ryan Serrano. As of this filing, the parties anticipate that Mr. Serrano will testify on November 8 or 9, 2021. Accordingly, the State of New Mexico provides the following:

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

Attachment 2: The Ryan Serrano 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 8, 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 8th 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 RYAN SERRANO** 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 8, 2021

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HONORABLE MICHAEL J. MELLOY

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TX and US Objections to NM Direct Examination Exhibits for Ryan Serrano

Trialexno	ProdBeg	ProdEnd	Date	Subject/Title	Category	Category B Objection	Category C Objection
JT-0467	TX_00175935	TX_00175942	9/11/1980	State Engineer Order #126: In the Matter of State Engineer Special Order No. 126 Declaring the Lower Rio Grande Underground Water Basin in Dona Ana County (LRG Basin Declaration)	Admitted		
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	Admitted		
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-0135	EBID_NM_003250-0001	EBID_NM_003250-0010	2/20/2006	Motion of defendants EBID and Salopek GU Farms, Inc. to set aside SE's metering order and for injunctive relief	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	
NM-0162	EBID_NM_008853-0001	EBID_NM_008853-0003	12/5/2005	Statewide Groundwater Measurement Specifications	A		
NM-0162A			12/5/2005	Statewide Groundwater Measurement Standards & Specifications	A		
NM-0163	EBID_NM_008854-0001	EBID_NM_008854-0002	12/5/2005	Statewide Surface Water Measurement Specifications	A		
NM-0263	Esslinger-DepoEX0038_00001	Esslinger-DepoEX0038_00003	6/26/2013	Letter from Gary Esslinger to Carl Duran dated 06/26/13	A		
NM-0428	NM_00018172	NM_00018201	12/31/2014	LRG Water Master Annual Report: 2014 Accounting Period	A		
NM-0429	NM_00018232	NM_00018260	1/1/2016	LRG Water Master Annual Report: 2016 Accounting Period	A		
NM-0431; US-0485	NM_00018298	NM_00018301	12/3/2004	State Engineer Order #169: In the Matter of the Creation of the Lower Rio Grande Water Master District for the Administration of Rights to the Use of Ground Water From the Lower Rio Grande Groundwater Basin of New Mexico (Water Master Order #169)	A		

TX and US Objections to NM Direct Examination Exhibits for Ryan Serrano

Trialexno	ProdBeg	ProdEnd	Date	Subject/Title	Category	Category B Objection	Category C Objection
NM-0432; US-0489	NM_00018302	NM_00018306	12/20/2005	State Engineer Order #172: First Amended Metering Order	A		
NM-0433	NM_00018307	NM_00018309	3/28/2007	State Engineer Supplemental Order #180: Supplemental LRG Metering Order	A		
NM-0465; US-0486	NM_00075344	NM_00075347	12/3/2004	State Engineer Order #168: In the Matter of the Requirements for Metering Groundwater Withdrawals in the Lower Rio Grande Watermaster District, New Mexico (1st Metering Order)	A		
NM-0483	NM_00094232	NM_00094233	7/17/2017	Memo RE: Executive Summary - Assessment of mid-year over diversion in the Lower Rio Grande Water Master District.	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	
NM-0485	NM_00095088	NM_00095220	2/19/2018	Letter RE: Notice of Groundwater Accounting for 2017	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	
NM-0486	NM_00096466	NM_00096467	6/28/2013	Groundwater Administration for Jointly Managed Farms under the SSI No. 101 Settlement	A		
NM-0538	NM_00138354	NM_00138358	5/31/2016	Same Ownership/Management Plan for Irrigation with Groundwater from Rose Mary La Plante	A		
NM-0542 [USE CO-0004]	NM_00141190	NM_00141199	2/3/2015	Same Ownership/Management Plan for Irrigation with Groundwater from Sam Calhoun	A		
NM-0608	NM_00210032	NM_00210046	8/8/2012	OSE File No. SD-2267 - Illegal River Pump	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	
NM-0609	NM_00210053	NM_00210056	7/17/2012	POD/Meter Inspection Report-Field Check in LRG Water Master District	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	
NM-0610	NM_00210230	NM_00210234	2/4/2014	Field investigation of a temporary surface water diversion owned and operated by the Elephant Butte Irrigation District (EBID) for operation & maintenance (O&M) of project facilities	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	
NM-0612	NM_00210791	NM_00210792	3/1/2006	Well Metering Requirements	A		

TX and US Objections to NM Direct Examination Exhibits for Ryan Serrano

Trialexno	ProdBeg	ProdEnd	Date	Subject/Title	Category	Category B Objection	Category C Objection
NM-0626	NM_00248408	NM_00248410	12/18/2019	Memo Re: Current status of river pumps/diversions along the Rio Grande between Elephant Butte Reservoir and the New Mexico/Texas State Line.	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	
NM-0669	NM_00277150	NM_00277150	8/25/2004	LRG Water Master District Map	A		
NM-0670	NM_00277663	NM_00277693	8/15/2006	Rules and Regulations Governing the Appropriation and Use of Ground Water in New Mexico	A		
NM-0671	NM_00283935	NM_00283939	4/13/1931	Judgement: No. 8321 NM, ex rel Reynolds vs. Holguin	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	
NM-0674; US-0422	NM_00289692	NM_00289695	9/11/2018	Memo RE: New Mexico Groundwater Irrigation Wells Pumping Groundwater for Use in Texas	A		
NM-0675	NM_00289855	NM_00289866	11/16/2018	Local Improvement Districts	B	U.S. & TX Objects to Hearsay and Relevance. Fed. R. Evid. 401, 403, 802	
NM-0676	NM_00290421	NM_00290422	4/4/2019	Order:D-307-CV-2018-00718	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	
NM-0677	NM_00290423	NM_00290442	4/4/2019	Petition for Enforcement - Edward Provinco:D-307-2018-00718	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	
NM-0733	NM_00328288	NM_00328290	8/8/2012	Metering Requirement for Rio Grande Surface Water Diversion	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	
NM-0743	NM_00381207	NM_00381207	12/18/2019	Re: Failure to Report Meter Readings	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	
NM-0752	NM_00387691	NM_00387692	11/14/2013	Meter Reading Reminder Postcard	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	
NM-0757	NM_00390936	NM_00390947	1/1/2014	LRG Water Master Annual Report: 2013 Accounting Period	A		
NM-0758	NM_00391981	NM_00391982	12/18/2019	Summery & Current Status of SD-02267 "Faykus River Pump"	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	
NM-0762	NM_00396734	NM_00396808	12/31/2018	2018 New Mexico Agricultural Statistics Bulletin	A		
NM-0763	NM_00396851	NM_00396871	4/13/2020	Memorandum Opinion:A-1-CA-36848	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	
NM-0785	NM_00436943	NM_00436972	12/31/2017	LRG Water Master Annual Report: 2017 Accounting Period	A		
NM-0786	NM_00439942	NM_00439942	3/13/2018	LRG Water Master District Over Diversion Repayment plan	A		

TX and US Objections to NM Direct Examination Exhibits for Ryan Serrano

Trialexno	ProdBeg	ProdEnd	Date	Subject/Title	Category	Category B Objection	Category C Objection
NM-0788	NM_00443276	NM_00443381	6/26/2013	Memo RE: Field investigation of river pumps/diversions along the Rio Grande between Elephant Butte Reservoir and the New Mexico/Texas State Line.	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	
NM-0789	NM_00443502	NM_00443506	12/1/2015	City of Las Cruces Monthly Well Production - 2015	A		
NM-0793	NM_00446315	NM_00446344	12/31/2015	LRG Water Master Annual Report: 2015 Accounting Period	A		
NM-0807; TX-0843	NM_00467431	NM_00467457	12/31/2018	LRG Water Master Annual Report: 2018 Accounting Period	A		
NM-0875	NM_00471990	NM_00471992	4/12/2021	Letter RE: Corrective Action Plan for Over Diversion of LRG-3288 (City Well No. 41)	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	
NM-0876	NM_00471993	NM_00471998	4/20/2020	FAYKUS FINAL INSPECTION WITH NMSP (SD-2267)	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	
NM-0879	NM_00472024	NM_00472024	4/16/2020	Las Cruces District 4 - ORG CHART	A		
NM-0879A				District 4 NMOSE Las Cruces Org Chart	A		
NM-0881	NM_00472028	NM_00472065	8/31/2017	Application for Permit to Change an Existing Water Right (LRG-430)	Admitted		
NM-0883	NM_00472076	NM_00472076	12/31/2019	Over-Diversions in the LRG Since 2015	B/C	U.S. & TX Objects to Hearsay and Relevance. Fed. R. Evid. 401, 403, 802	U.S. & TX Objects to Foundation. Fed. R. Evid. 602
NM-0885	NM_00472082	NM_00472083	4/20/2020	FAYKUS CONTEMPT ORDER (D-721-CV-2019-00115)	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	
NM-0886	NM_00472084	NM_00472084	12/31/2019	New Appropriations Since Declaration of LRG Underground Water Basin	C		U.S. & TX Objects to Foundation. Fed. R. Evid. 602
NM-0927	NM_00473012	NM_00473041	4/1/2020	Lower Rio Grande Water Master Annual Report -2019	A		
NM-0929	NM_00473062	NM_00473090	6/1/2020	LOWER RIO GRANDE WATER MASTER REPORT - 2020	A		
NM-0939	NM_00473384	NM_00473409	3/18/2021	W.A.T.E.R.S. Step-By-Step Guide Meter Module	A		
NM-0949	NM_00473708	NM_00473708	1/12/2020	City of Las Cruces Monthly Well Production	Admitted		
NM-2083	Serrano-DepoEX0070_00001	Serrano-DepoEX0070_00024	1/31/2005	Rules and Regulations Governing the Appropriation and Use of the Surface Waters of New Mexico adopted January 31, 2005	A		
NM-2084	Serrano-DepoEX0099_00001	Serrano-DepoEX0099_00004	1/30/2015	Expedited Hearing Procedures for LRG Over-Diversions	B	U.S. & TX Objects to Relevance. Fed. R. Evid. 401, 403	

TX and US Objections to NM Direct Examination Exhibits for Ryan Serrano

Trialexno	ProdBeg	ProdEnd	Date	Subject/Title	Category	Category B Objection	Category C Objection
NM-2376	US0387213	US0387216	1/25/2012	Regarding Email About Alleged Illegal Pumping of Water from Rio Grande Canalization Project	A		
NM-DEMO-029	NM-DEMO-029	NM-DEMO-029		NMOSE Las Cruces District 4 - Org Chart (Updated)	A		
NM-DEMO-053	NM-DEMO-053	NM-DEMO-053	09/22/2016	DTJ Development Comp. Letter	A		
NM-DEMO-054	NM-DEMO-054	NM-DEMO-054	6/26/2020	El Paso Electric LRG-780-POD24	A		
NM-DEMO-055	NM-DEMO-055	NM-DEMO-055	11/2/2021	El Paso Waters Summary	A		
NM-DEMO-056	NM-DEMO-056	NM-DEMO-056	7/5/2019	LRG-03725-1 (Gilstrap-Ortiz) Illegal Irrigation	A		
NM-DEMO-057	NM-DEMO-057	NM-DEMO-057		Serrano Map Demonstrative	A		
NM-DEMO-058	NM-DEMO-058	NM-DEMO-058	11/4/2021	OWMAN example_Calhoun_NM demonstrative	A		
NM-DEMO-059	NM-DEMO-059	NM-DEMO-059		Demonstrative for Ryan Serrano	A		
TX-0830	NM_00092460	NM_00092460	3/7/2016	2014 EOY_DIV_SORTED 3.6.2015.xlsx	A		
TX-0838	NM_00142284	NM_00142284	1/9/2019	LRG WATER MASTER REPORT (Pre. 2019).xls	A		

NM Objections to TX and US Cross Examination Exhibits for Ryan Serrano

Trial Exhibit No.	ProdBeg	ProdEnd	Date	Subject/Title	Category	Category B Objections	Category C Objections
NM-0710	NM_00300026	NM_00300331	1/18/2018	Policy and Guideline Notebook, Water Rights Division	A		
NM-0812	NM_00468281	NM_00468346	12/31/2013	New Mexico Agricultural Statistics (2013)	B, C	Relevance (FRE 402), Cumulative/waste of time (FRE	Foundation (FRE 602)
NM-0815	NM_00468973	NM_00469044	12/31/2016	New Mexico Agricultural Statistics (2016)	B	Relevance (FRE 402), Cumulative/waste of time (FRE	
NM-0817	NM_00469116	NM_00469182	12/31/2019	New Mexico Agricultural Statistics (2019)	B	Relevance (FRE 402), Cumulative/waste of time (FRE	
NM-0828	NM_00470048	NM_00470117	12/1/2010	New Mexico Agricultural Statistics (2010)	B, C	Relevance (FRE 402), Cumulative/waste of time (FRE	Foundation (FRE 602)
Serrano_Demo_01				Pecan Production- New Mexico Total In-Shell 1985-2019	B, C	Relevance (FRE 402), Cumulative/waste of time (FRE	Foundation (FRE 602)
Serrano_Demo_02				Pecan Production- Dona Ana County	B, C	Relevance (FRE 402), Cumulative/waste of time (FRE	Foundation (FRE 602)
TX-0299	TX_DEPO?EX_00095904	TX_DEPO?EX_00095933		Serrano, Ryan Exhibit from Deposition Testimony Vol 1 taken 2/26/2019 EXHIBIT NO. 67 Lower Rio Grande Water Master Annual Report 2017 Accounting Year	B	Cumulative (FRE 403)	
TX-0301	TX_DEPO?EX_00096751	TX_DEPO?EX_00096780		Serrano, Ryan Exhibit from Deposition Testimony Vol 2 taken 4/17/2019 SERRANO EXHIBIT NO. 108: Lower Rio Grande Water Master Annual Report 2014 Accounting Year	B	Cumulative (FRE 403)	
TX-0302	TX_DEPO?EX_00096781	TX_DEPO?EX_00096810		Serrano, Ryan Exhibit from Deposition Testimony Vol 2 taken 4/17/2019 SERRANO EXHIBIT NO. 109: Lower Rio Grande Water Master Annual Report 2015 Accounting Year	B	Cumulative (FRE 403)	
TX-0305	TX_DEPO?EX_00097197	TX_DEPO?EX_00097208		Serrano, Ryan Exhibit from Deposition Testimony Vol 2 taken 4/17/2019 SERRANO EXHIBIT NO. 107: Lower Rio Grande Water Master Annual Report 2013 Accounting Period	B	Cumulative (FRE 403)	
TX-0306	TX_DEPO?EX_00097269	TX_DEPO?EX_00097298		Serrano, Ryan Exhibit from Deposition Testimony Vol 2 taken 4/17/2019 SERRANO EXHIBIT NO. 110: Lower Rio Grande Water Master Annual Report 2016 Accounting Year	B	Cumulative (FRE 403)	
TX-0826	NM_00084892	NM_00084892	1/29/2019	Serrano, Ryan Exhibit from Deposition Testimony, Vol. I (02/26/2019) SERRANO EXHIBIT NO. 73: Memorandum dated January 29, 2019 ? Reconciliation Memo	A		
TX-0829	NM_00091018	NM_00091018		Serrano, Ryan Exhibit from Deposition Testimony, Vol. I (02/26/2019) SERRANO EXHIBIT NO. 72: Lower Rio Grande Groundwater Reconciliation Summary Accounting Year 2014	A		