

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
SALLY STAHPMAN-SOLIS**

HECTOR H. BALDERAS
New Mexico Attorney General
TANIA MAESTAS
Deputy Attorney General
CHOLLA KHOURY
Assistant Attorney General
ZACHARY E. OGAZ
Assistant Attorney General
P.O. Drawer 1508
Santa Fe, New Mexico 87501
505-239-4672

MARCUS J. RAEL, JR.*
LUIS ROBLES
SUSAN BARELA
Special Assistant Attorneys General
Robles Rael & Anaya
500 Marquette Ave NW #700
Albuquerque, NM 87102
marcus@roblesrael.com
505-242-2228

**Counsel of Record*

November 9, 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 Sally Stahman-Solis. As of this filing, the parties anticipate that Ms. Stahman-Solis will testify on November 10, 2021. Accordingly, the State of New Mexico provides the following:

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

Attachment 2: The Sally Stahman-Solis 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 9, 2021

Respectfully submitted,

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

HECTOR H. BALDERAS
New Mexico Attorney General
TANIA MAESTAS
Deputy Attorney General
CHOLLA KHOURY
Assistant Attorney General
ZACHARY E. OGAZ
Assistant Attorney General
P.O. Drawer 1508
Santa Fe, New Mexico 87501
505-239-4672

JEFFREY J. WECHSLER
Special Assistant Attorney General
SHELLY L. DALRYMPLE
KALEB W. BROOKS
MONTGOMERY & ANDREWS, P.A.
325 Paseo de Peralta
Santa Fe, NM 87501
jwechsler@montand.com

JOHN B. DRAPER
Special Assistant Attorney General
CORINNE E. ATTON
DRAPER & DRAPER LLC
325 Paseo de Peralta
Santa Fe, NM 87501
john.draper@draperllc.com
505-570-4591

MARCUS J. RAEL, JR.*
LUIS ROBLES
SUSAN BARELA
Special Assistant Attorneys General
Robles Rael & Anaya
500 Marquette Ave NW #700
Albuquerque, NM 87102
marcus@roblesrael.com
505-242-2228

**Counsel of Record*

BENNETT W. RALEY
LISA M. THOMPSON
MICHAEL A. KOPP
Special Assistant Attorneys General
TROUT RALEY
1120 Lincoln Street, Suite 1600
Denver, Colorado 80203
303-861-1963

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 CERTIFICATE OF SERVICE

This is to certify that on this 9th 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 SALLY STAHRMAN-SOLIS** 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 9, 2021

/s/ Michael A. Kopp

Michael Kopp
Special Assistant Attorney General
TROUT RALEY
1120 Lincoln Street, Suite 1600
Denver, Colorado 80203
(303) 861-1963

SPECIAL MASTER

HONORABLE MICHAEL J. MELLOY

Special Master

United States Circuit Judge
111 Seventh Avenue, S.E., Box 22
Cedar Rapids, IA 52401-2101

TXvNM141@ca8.uscourts.gov
(319) 432-6080
(service via email and U.S. Mail)

MICHAEL E. GANS

Clerk of the 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
(314) 244-2400

UNITED STATES

ELIZABETH B. PRELOGAR*

Solicitor General

TODD KIM

Assistant Attorney General

EDWIN S KNEEDLER

Deputy Solicitor General

FREDERICK LIU

Assistant to the Solicitor General

U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

supremectbriefs@usdoj.gov
(202)514-2217

JAMES J. DUBOIS*

R. LEE LEININGER

U.S. DEPARTMENT OF JUSTICE
Environment & Natural Resources Division
999 18th Street
South Terrace – Suite 370
Denver, Colorado 80202

SETH C. ALLISON, Paralegal

james.dubois@usdoj.gov
(303) 844-1375
lee.leininger@usdoj.gov
(303) 844-1364

Seth.allison@usdoj.gov
(303)844-7917

JUDITH E. COLEMAN

JENNIFER A. NAJJAR

U.S. DEPARTMENT OF JUSTICE

Judith.coleman@usdoj.gov
(202) 514-3553
jennifer.najjar@usdoj.gov

Environment & Natural Resources Division
P.O. Box 7611
Washington, D.C. 20044-7611

(202) 305-0476

STATE OF NEW MEXICO

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, New Mexico 87501

PATRICIA SALAZAR - Assistant

JENNIFER VAN WIEL - Paralegal

hbalderas@nmag.gov

tmaestas@nmag.gov

ckhoury@nmag.gov

zogaz@nmag.gov

psalazar@nmag.gov

jvanwiel@nmag.gov

(505) 239-4672

MARCUS J. RAEL, JR.*

LUIS ROBLES

SUSAN BARELA

Special Assistant Attorneys General

ROBLES, RAEL & ANAYA, P.C.

500 Marquette Avenue NW, Suite 700

Albuquerque, New Mexico 87102

CHELSEA SANDOVAL - Paralegal

PAULINE WAYLAND – Paralegal

BONNIE DEWITT – Paralegal

marcus@roblesrael.com

luis@roblesrael.com

susan@roblesrael.com

chelsea@roblesrael.com

pauline@roblesrael.com

bonnie@roblesrael.com

(505) 242-2228

BENNETT W. RALEY

LISA M. THOMPSON

MICHAEL A. KOPP

Special Assistant Attorneys General

TROUT RALEY

1120 Lincoln Street, Suite 1600

Denver, Colorado 80203

braley@troutlaw.com

lthompson@troutlaw.com

mkopp@troutlaw.com

(303) 861-1963

JEFFREY WECHSLER

SHELLY L. DALRYMPLE

KALEB W. BROOKS

Special Assistant Attorney General

MONTGOMERY & ANDREWS

325 Paseo De Peralta

jwechsler@montand.com

sdalrymple@montand.com

kwbrooks@montand.com

(505) 986-2637

Santa Fe, NM 87501
DIANA LUNA – Paralegal

dluna@montand.com

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
(505) 570-4591

donna.ormerod@draperllc.com

STATE OF COLORADO

PHILIP J. WEISER
Attorney General of Colorado
ERIC R. OLSON
Solicitor General
LAIN LEONIAK
Acting First Assistant 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

STATE OF TEXAS

STUART 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 Capital Mall, Suite 1000
Sacramento, CA 95814-2403
CORENE RODDER - Secretary
CRYSTAL RIVERA - Secretary
YOLANDA DE LA CRUZ - Paralegal

ssomach@somachlaw.com
ahitchings@somachlaw.com
rhoffman@somachlaw.com
mgoldsberry@somachlaw.com
tbarfield@somachlaw.com
sklahn@somachlaw.com
bjohnson@somachlaw.com
rdeitchman@somachlaw.com
(916) 446-7979
(916) 803- 4561 (cell)

crodder@somachlaw.com
crivera@somachlaw.com
ydelacruz@somachlaw.com

KEN PAXTON

Attorney General of Texas

BRENT WEBSTER

First Assistant Attorney General

GRANT DORFMAN

Deputy First Assistant Attorney General

SHAWN COWLES

Deputy Attorney General for Civil Litigation

WILLIAM F. COLE

Assistant Solicitor General

BEAU CARTER

Assistant Solicitor General

PRISCILLA M. HUBENAK

Chief, Environmental Protection Division

OFFICE OF ATTORNEY GENERAL

OF TEXAS

P.O. Box 12548

Austin, TX 78711-2548

(512) 463-2012

(512) 457-4644 Fax

Priscilla.HubenaK@oag.texas.gov

AMICI / FOR INFORMATIONAL PURPOSES ONLY

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

JAMES C. BROCKMANN*

(505) 983-3880

JAY F. STEIN

jcbrockmann@newmexicowaterlaw.com

STEIN & BROCKMANN, P.A.

jfstein@newmexicowaterlaw.com

P.O. Box 2067

administrator@newmexicowaterlaw.com

Santé Fe, New Mexico 87504

Administrative Copy

PETER AUH

(505) 289-3092

ALBUQUERQUE BERNALILLO COUNTY

pauh@abcwua.org

WATER UTILITY AUTHORITY

P.O. Box 568

Albuquerque, NM 87103-0568

CITY OF EL PASO

DOUGLAS G. CAROOM*

(512) 472-8021

SUSAN M. MAXWELL

dcaroom@bickerstaff.com

BICKERSTAFF HEATH DELGADO

smaxwell@bickerstaff.com

ACOSTA, LLP

2711 S. MoPac Expressway

Building One, Suite 300
Austin, TX 78746

CITY OF LAS CRUCES

JAY F. STEIN *

(505) 983-3880

JAMES C. BROCKMANN
STEIN & BROCKMANN, P.A.
P.O. Box 2067
Santé Fe, New Mexico 87504
Administrative Copy

jbrockmann@newmexicowaterlaw.com
jfstein@newmexicowaterlaw.com
administrator@newmexicowaterlaw.com

JENNIFER VEGA-BROWN

(575) 541-2128

ROBERT CABELLO
LAW CRUCES CITY ATTORNEY'S OFFICE
P.O. Box 20000
Las Cruces, New Mexico 88004

jvega-brown@las-cruces.org
rcabello@las-cruces.org

ELEPHANT BUTTE IRRIGATION DISTRICT

SAMANTHA R. BARNCASTLE*

(575) 636-2377

BARNCASTLE LAW FIRM, LLC
1100 South Main, Suite 20 (88005)
P.O. Box 1556
Las Cruces, NM 88004

(575) 636-2688 (fax)

samantha@h2o-legal.com

JANET CORRELL – Paralegal

janet@h2o-legal.com

EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. 1

MARIA O'BRIEN*

(505) 848-1803 (direct)

SARAH M. STEVENSON
MODRALL, SPERLING, ROEHL, HARRIS
& SISK, PA

mobrien@modrall.com

sarah.stevenson@modrall.com

500 Fourth Street N.W., Suite 1000
Albuquerque, New Mexico 87103-2168

CHARLIE PADILLA – Legal Assistant

charliep@modrall.com

RENEA HICKS

rhicks@renea-hicks.com

LAW OFFICE OF MAX RENEA HICKS
P.O.Box 303187
Austin, TX 78703-0504

(512)480-8231

HUDSPETH COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 1

ANDREW S. "DREW" MILLER*

(512) 320-5466

KEMP SMITH LLP
919 Congress Avenue, Suite 1305
Austin, TX 78701

dmiller@kempsmith.com

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 Attorney General

120 S. W. 10th Ave., 2nd Floor

Topeka, KS 66612

(785) 296-2215

toby.crouse@ag.ks.gov

bryan.clark@ag.ks.gov

NEW MEXICO PECAN GROWERS

TESSA T. DAVIDSON*

DAVIDSON LAW FIRM, LLC

4206 Corrales Road

P.O. Box 2240

Corrales, NM 87048

JO HARDEN – Paralegal

ttd@tessadavidson.com

(505) 792-3636

jo@tessadavidson.com

NEW MEXICO STATE UNIVERSITY

JOHN W. UTTON*

UTTUN & KERY, P.A.

P.O. Box 2386

Santa Fe, New Mexico 87504

(505) 699-1445

john@uttonkery.com

General Counsel

New Mexico State University

Hadley Hall Room 132

2850 Weddell Road

Las Cruces, NM 88003

gencounsel@nmsu.edu

(575) 646-2446

SOUTHERN RIO GRANDE DIVERSIFIED CROP FARMERS ASSOCIATION

ARNOLD J. OLSEN*

HENNIGHAUSEN OLSEN & MCCREA, L.L.P.

(575) 624-2463

ajolsen@h2olawyers.com

P.O. Box 1415
Roswell, NM 88202-1415
Malina Kauai, Paralegal
Rochelle Bartlett, Legal Assistant

mkauai@h2olawyers.com
rbartlett@h2olawyers.com

TX and US Objections to NM Direct Examination Exhibits for Sally Stahmann-Solis

Trialexno	ProdBeg	ProdEnd	Date	Subject/Title	Category		
					(A, B, C)	Category B Objections	Category C Objections
NM-0088A			2/14/2000	United States v. EBID, et al. CIV No. 97-803 JP/RLP; State of New Mexico ex rel Office of State Engineer v. EBID	B,C	(Fed. R. Evid. 401); Unfair Prejudice (Fed. R. Evid. 403); Hearsay (Fed. R. Evid. 802); Improper use of mediation/settlement/negotiation materials (Fed. R. Evid. 408)	TX & US Object - Foundation (Fed. R. Evid. 602)
NM-0888	NM_00472087	NM_00472088	1/15/1900	Newspaper Article - El Paso Herald Jan 15 1900	B,C	TX & US Object - Relevance (Fed. R. Evid. 401), Confusion of Issues (Fed. R. Evid. 403); Hearsay (Fed. R. Evid. 802); Improper expert testimony by lay witness (Fed. R. Evid. 702)	TX & US Object - Foundation (Fed. R. Evid. 602)
NM-0889	NM_00472089	NM_00472090	1/21/1939	Newspaper Article - El Paso Herald Jan 21 1939	B,C	TX & US Object - Relevance (Fed. R. Evid. 401), Confusion of Issues (Fed. R. Evid. 403); Hearsay (Fed. R. Evid. 802); Improper expert testimony by lay witness (Fed. R. Evid. 702)	TX & US Object - Foundation (Fed. R. Evid. 602)
NM-0890	NM_00472091	NM_00472094	1/28/1922	Newspaper Article - El Paso Herald Jan 28 1922	B,C	TX & US Object - Relevance (Fed. R. Evid. 401), Confusion of Issues (Fed. R. Evid. 403); Hearsay (Fed. R. Evid. 802); Improper expert testimony by lay witness (Fed. R. Evid. 702)	TX & US Object - Foundation (Fed. R. Evid. 602)
NM-0895	NM_00472105	NM_00472106	12/14/1939	Newspaper Article - El Paso Herald Post Dec 14 1939	B,C	TX & US Object - Relevance (Fed. R. Evid. 401), Confusion of Issues (Fed. R. Evid. 403); Hearsay (Fed. R. Evid. 802); Improper expert testimony by lay witness (Fed. R. Evid. 702)	TX & US Object - Foundation (Fed. R. Evid. 602)
NM-0904	NM_00472129	NM_00472130	8/23/1932	Newspaper Article - El Paso Times Aug 23 1932	B,C	TX & US Object - Relevance (Fed. R. Evid. 401), Confusion of Issues (Fed. R. Evid. 403); Hearsay (Fed. R. Evid. 802); Improper expert testimony by lay witness (Fed. R. Evid. 702)	TX & US Object - Foundation (Fed. R. Evid. 602)

TX and US Objections to NM Direct Examination Exhibits for Sally Stahmann-Solis

Trialexno	ProdBeg	ProdEnd	Date	Subject/Title	Category		
					(A, B, C)	Category B Objections	Category C Objections
NM-0907	NM_00472138	NM_00472139	02/11/1897	Newspaper Article - El Paso Times Feb 11 1897	B,C	TX & US Object - Relevance (Fed. R. Evid. 401), Confusion of Isuses (Fed. R. Evid. 403); Hearsay (Fed. R. Evid. 802); Improper expert testimony by lay witness (Fed. R. Evid. 702)	TX & US Object - Foundation (Fed. R. Evid. 602)
NM-0911A				Collection of documents	B,C	TX & US Object - Relevance (Fed. R. Evid. 401), Confusion of Issues (Fed. R. Evid. 403); Hearsay (Fed. R. Evid. 802); Improper expert testimony by lay witness (Fed. R. Evid. 702)	TX & US Object - Foundation (Fed. R. Evid. 602)
NM-0912A				Collection of documents	B,C	TX & US Object - Relevance (Fed. R. Evid. 401); Cumulative (Fed. R. Evid. 403); Improper expert tesitmony by lay witness (Fed. R. Evid. 702)	TX & US Object - Foundation (Fed. R. Evid. 602)
NM-0916	NM_00472430	NM_00472433	1/14/1945	Newspaper Article - Las Cruces Sun News Jan 14 1945	B,C	TX & US Object - Relevance (Fed. R. Evid. 401), Confusion of Isuses (Fed. R. Evid. 403); Hearsay (Fed. R. Evid. 802); Improper expert testimony by lay witness (Fed. R. Evid. 702)	TX & US Object - Foundation (Fed. R. Evid. 602)
NM-0921A			11/22/1942	Las Cruces Sun News Article	B,C	TX & US Object - Relevance (Fed. R. Evid. 401), Confusion of Isuses (Fed. R. Evid. 403); Hearsay (Fed. R. Evid. 802); Improper expert testimony by lay witness (Fed. R. Evid. 702)	TX & US Object - Foundation (Fed. R. Evid. 602)
NM-0922A			3/10/1905	Deming Graphic Article	B,C	TX & US Object - Relevance (Fed. R. Evid. 401), Confusion of Isuses (Fed. R. Evid. 403); Hearsay (Fed. R. Evid. 802); Improper expert testimony by lay witness (Fed. R. Evid. 702)	TX & US Object - Foundation (Fed. R. Evid. 602)
NM-DEMO-060	NM-DEMO-060	NM-DEMO-060		Stahmann Santo Tomas and Snow Farms	A		
NM-DEMO-061	NM-DEMO-061	NM-DEMO-061		Stahmann Santo Tomas Farm	A		

TX and US Objections to NM Direct Examination Exhibits for Sally Stahmann-Solis

Trialexno	ProdBeg	ProdEnd	Date	Subject/Title	Category (A, B, C)	Category B Objections	Category C Objections
NM-DEMO-062	NM-DEMO-062	NM-DEMO-062		Youtube Video of Stahmann's Estate Grown Pecans	B	TX & US Object - Relevance (Fed. R. Evid. 401); Unfair Prejudice, Cumulative, Waste of time (Fed. R. Evid. 403)	
US-0258	US0807852	US0807867	10/8/1999	Correspondence re: Rio Grande mediation	B,C	(Fed. R. Evid. 401); Unfair Prejudice (Fed. R. Evid. 403); Hearsay (Fed. R. Evid. 802); Improper use of mediation/settlement/negotiation materials (Fed. R. Evid. 408)	TX & US Object - Foundation (Fed. R. Evid. 602)

NM Objections to TX and US Cross Examination Exhibits for Sally Stahmann-Solis

Trialexno	ProdBeg	ProdEnd	Date	Subject/Title	Category	CategoryBObjections	CategoryCObjections
NM-0467	NM_00075708	NM_00075783	11/14/2006	Second Public Draft - Proposed Rules and Regulations Providing for AWRM of the Waters of the LRG Water Master District	B/C	Irrelevant. Fed. R. Evid. 402	Proponent Cannot Lay a Foundation
NM-0689	NM_00294491	NM_00294494	12/11/2006	OSE response to NMPG comments on AWRM draft rules and regulations	ADMITTED		
NM-0812	NM_00468281	NM_00468346	12/31/2013	New Mexico Agricultural Statistics (2013)	B/C	Irrelevant. Fed. R. Evid. 402	Proponent Cannot Lay a Foundation
NM-0815	NM_00468973	NM_00469044	12/31/2016	New Mexico Agricultural Statistics (2016)	B/C	Irrelevant. Fed. R. Evid. 402	Cannot be Authenticated At Trial. Fed. R. Evid. 901(A), Proponent Cannot Lay a Foundation
NM-0817	NM_00469116	NM_00469182	12/31/2019	New Mexico Agricultural Statistics (2019)	B/C	Irrelevant. Fed. R. Evid. 402	Proponent Cannot Lay a Foundation
NM-0828	NM_00470048	NM_00470117	12/1/2010	New Mexico Agricultural Statistics (2010)	B/C	Irrelevant. Fed. R. Evid. 402	Proponent Cannot Lay a Foundation
TX-DEMO-Serrano			11/6/2021	TX-DEMO-Serrano	B/C	Irrelevant. Fed. R. Evid. 402	Proponent Cannot Lay a Foundation