

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 FILING OF NEW MEXICO
EXHIBIT COMPENDIUM: INDEX**

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COMES NOW, the State of New Mexico (“New Mexico”) and provides notice of the filing of the New Mexico Exhibit Compendium: Index, attached hereto as Appendix A.

APPENDIX A

TEXAS v. NEW MEXICO and COLORADO, No. 141 Original

In the Supreme Court of the United States

NEW MEXICO EXHIBIT COMPENDIUM: INDEX

The following Exhibits are submitted in support of New Mexico's Dispositive Motions filed on November 5, 2020. New Mexico's Exhibits are available at the following Sharefile site:

<https://ws.onehub.com/folders/prxrgg18>.

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
	Declarations		
001	Barroll, Margaret, Ph.D.	11/04/2020	No Bates
002	D'Antonio, John R., Jr., P.E.	11/04/2020	No Bates
003	Lopez, Estevan, P.E.	11/05/2020	No Bates
004	Schmidt-Petersen, Rolf	11/05/2020	No Bates
005	Stevens, Jennifer, Ph.D.	11/04/2020	No Bates
	Expert Reports		
100	Expert Report: Barroll, Margaret, Ph.D.	10/31/2019	US0598474 - US0598834
101	Expert Report/Rebuttal: Barroll, Margaret, Ph.D.	06/15/2020	No Bates

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
102	Expert Report/Supplemental Rebuttal: Barroll, Margaret, Ph.D.	07/15/2020	NM_00467085 - NM_00467127
103	Expert Report/Amended Supplemental Rebuttal: Barroll, Margaret, Ph.D.	09/15/2020	No Bates
104	Expert Report/Rebuttal: Blair, Allie William	12/30/2019	Page 8
105	Expert Report/Rebuttal: Ferguson, Ian	12/30/2019	Pages 8, 12, and 13
106	Expert Report: Kryloff, Nicolai	05/31/2019	Pages: 6, 12, 23, 25-27
107	Expert Report: Lopez, Estevan, P.E.	10/31/2019	No Bates
108	Expert Report/Rebuttal: Lopez, Estevan, P.E.	06/15/2020	No Bates
109	Expert Report/Supplemental Rebuttal: Estevan Lopez, P.E.	07/15/2020	NM_00467170 - NM_00467185
110	Expert Report/Amended Supplemental Rebuttal: Estevan Lopez, P.E.	09/15/2020	No Bates
111	Expert Report: Miltenberger, Scott	05/31/2019	Pages: 8-13, 25, 29, 33, 37-39
112	Expert Report: Stevens, Jennifer, Ph.D.	10/28/2019	No Bates
113	Expert Report/Rebuttal: Stevens, Jennifer, Ph.D.	06/15/2020	No Bates
114	Expert Report: Sunding, David	05/31/2019	Page 2
115	Expert Report/Reply and Supplement: Sunding, David	12/30/2019	Page 1
Deposition Transcripts			
200	Deposition: Barroll, Margaret, Ph.D.	Volume III 08/10/2020	393, 424-426
201	Deposition: Cortez, Filiberto (BOR (30(b)(6) testimony)	08/20/2020	50-51

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
202	Deposition: Cortez, Filiberto	07/30/2020 (Volume I)	10-11, 18-20, 24, 31, 34-35, 42-45, 49-50, 56-60, 63-69, 82-83, 87-96, 102-103, 111-115, 119-120, 168, 170-172
203	Deposition: Cortez, Filiberto	07/31/2020 (Volume II)	209-210, 215-216, 220-222
204	Deposition: D'Antonio, John R., Jr., P.E.	06/25/2020 (Volume II)	163, 169
205	Deposition: D'Antonio, John R., Jr., P.E.	06/26/2020 (Volume III)	274
206	Deposition: D'Antonio, John R., Jr., P.E.	08/14/2020 (Volume IV)	93-96
207	Deposition: Esslinger, Gary	08/17/2020 (Volume I)	122
208	Deposition: Esslinger, Gary	08/18/2020 (Volume II)	56-62
209	Deposition: Ferguson, Ian	02/19/2020 (Volume I)	13, 44
210	Deposition: Ferguson, Ian	02/20/2020 (Volume II)	229, 233, 240-241, 259-260
211	Deposition: Gordon, Patrick	07/14/2020 (Volume I)	66, 71-73, 89, 172, 180-181, 192-193
212	Deposition: Gordon, Patrick	07/15/2020 (Volume II)	10-16, 20-21, 42-44, 109, 121
213	Deposition: Ivey, Art	08/28/2020	69-71, 75
214	Deposition: King, J. Phillip	05/18/2020 (Volume I)	21, 44, 102, 109, 115
215	Deposition: Kryloff, Nicolai	08/06/2020	41, 52-53, 55-56, 73-74, 89-90, 108-109

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216	Deposition: Lopez, Estevan, P.E.	02/26/2020	29
217	Deposition, Lopez, Estevan, P.E.	07/06/2020 (Volume I)	95-96, 138
218	Deposition, Lopez, Estevan, P.E.	07/07/2020 (Volume II)	140-141
219	Deposition: Lopez, Estevan, P.E.	08/21/2020 (Volume III)	40
220	Deposition: Miltenberger, Scott	06/08/2020	38-44, 47-48, 137-138, 146-148
221	Deposition: Reyes, Jesus	11/16/18	20, 23-24
222	Deposition: Reyes, Jesus	08/31/2020	20, 65-66
223	Deposition: Rios, Robert	08/26/20	31, 33, 48-49
224	Deposition: Schmidt-Petersen, Rolf	06/29/2020 (Volume I)	40-41
225	Deposition: Settemeyer, Herman	07/30/2020 (Volume I)	29-31, 41-42
Pre-Compact and Early Compact Documents (Up to 1950)			
300	F.H. Newell, Second Annual Report of the Reclamation Service, H.R. Doc. No. 58-44	1904	TX_00083934-4619
301	B.M. Hall, A Discussion of the Past and Present Plans for Irrigation of the Rio Grande Valley	11/1904	NM_00111427-575
302	Elephant Butte Water Users Association, Articles of Incorporation	12/22/1904	NM_00171817-33
303	Guy Elliott Mitchell, The Official Proceedings of the Twelfth National Irrigation Congress Held at El Paso, Texas, Nov. 15-16-17-18, 1904	1905	NM_00111576-2032
304	El Paso Valley Water Users' Association, Articles of Incorporation	03/31/1905	NM_00037509-11

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
305	The Reclamation Work of the Government Under the National Irrigation Act: Hearing Before the H. Comm. on Irrigation of Arid Lands 59 Cong. 222	1906	NM_00113050-64
306	Letter from B.M. Hall, Supervising Engineer, United States Reclamation Service, to David L. White, Territorial Irrigation Engineer, Territory of New Mexico	01/23/1906	NM_00113002-03
307	Convention between the United States and Mexico - Equitable Distribution of the Waters of the Rio Grande, Mex.-U.S., May 21, 1906, 34 Stat. 2953 ("1906 Treaty")	05/21/1906	NM_00174693-95
308	Articles of Agreement between the United States of America, Elephant Butte Water Users Association, and El Paso Valley Water Users' Association ("1906 Contract")	06/27/1906	NM_00036233-39
309	Letter from Louis C. Hill, Supervising Engineer, United States Reclamation Service, to Vernon L. Sullivan, Territorial Engineer, Territory of New Mexico	04/1908	NM_00113007-08
310	61st Congress, 3rd Session, House of Representatives, Document No. 1262: Fund for Reclamation of Arid Lands, H.R. Doc. 61-1262	1911	TX_00131845-2046
311	United States Reclamation Service, Project History, Rio Grande Project Year 1915	1915	NM_00018853-912
312	United States Reclamation Service, Project History, Rio Grande Project Year 1919	1919	NM_00020097-156
313	United States Reclamation Service, Project History, Rio Grande Project Year 1921	1921	NM_00021026-85
314	Letter from Pat M. Neff, Governor, State of Texas, to Herbert Hoover, Secretary of Commerce	09/20/1924	NM_0061795-96
315	Letter from J.O. Seth, Commissioner, State of New Mexico, to A.T. Hannett, Governor, State of New Mexico	02/20/1925	NM_00117623-29

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
316	Rio Grande Compact Commission, First Annual Report of the Rio Grande Compact Commission	1931	US0067590-607
317	Proceedings of the Rio Grande Compact Commission held in Santa Fe, New Mexico December 2-3, 1935	12/02/1935 - 12/03/1935	NM_00129862-905
318	Harlow M. Stafford, Rio Grande Joint Investigation Part I: General Report of the Rio Grande Joint Investigation	1937	NM_00066145-160
319	Proceedings of the Meeting of the Rio Grande Compact Commission Held in Santa Fe, New Mexico, September 27 to October 1, 1937	09/27/1937 - 10/01/1937	CO-023658-724
320	Contract between the United States and the Elephant Butte Irrigation District Adjusting Construction Charges and for Other Purposes	11/09/1937	EBID 148912-35
321	Contract between the United States and the El Paso County Water Improvement District No. 1 Adjusting Construction Charges and for Other Purposes	11/10/1937	NM_00017971-84
322	Letter from E.B. Debler, et al., Committee of Engineer Advisors, Rio Grande Compact Commission, to Rio Grande Compact Commission	12/27/1937	CO-006207-15
323	United States Reclamation Service, Project History, Rio Grande Project Year 1937	1938	NM_00024850 - NM_00024909
324	Contract Between Elephant Butte Irrigation District and El Paso County Water Improvement District No. 1 ("1938 Downstream Contract")	02/16/1938	NM_00063486 - NM_00063487
325	Proceedings of the Meeting of the Rio Grande Compact Commission Held at Santa Fe, New Mexico, March 3rd to March 18th, 1938	03/03/1938 - 03/18/1938	CO-006166 - CO-006253
326	Contract between Elephant Butte Irrigation District of New Mexico and El Paso Water Improvement District No. 1 of Texas	02/16/1938	NM_0063486-87
327	J.H. Bliss, Provisions of the Rio Grande Compact	04/02/1938	NM_00145589-99

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
328	Letter from Frank B. Clayton, Rio Grande Compact Commissioner, State of Texas, to Sawnie B. Smith	10/04/1938	TX_00132868-69
329	Letter from Frank B. Clayton, Rio Grande Compact Commissioner, State of Texas to C.S. Clark, Chairman, Board of Water Engineers, State of Texas	10/16/1938	TX_00187138-45
330	Rio Grande Compact, Act of May 31, 1939, 53 Stat. 785 ("Compact")	05/31/1939	NM_00100914 - NM_00100930
331	Tenth Annual Report of the Rio Grande Compact Commission	1948	US0597885-910
D2 Period Documents (1951-2005)			
400	Bureau of Reclamation, Rio Grande Project: Water Supply Allocation Procedures (WSAP)	(Undated)	US0167011 - US0167024
401	Raymond A. Hill, Development of the Rio Grande Compact of 1938	10/08/1968	CO-002431-513
402	EPCWID Accounting Records (1985-2016)	1985-2016	Various
403	Operating Agreement between Elephant Butte Irrigation District, El Paso County Water Improvement District No.1, and United States Bureau of Reclamation (unexecuted draft)	1985	NM_00237424-87
404	Robert Autobee, United States Bureau of Reclamation, Rio Grande Project	06/13/1994	TX_00175492-525
405	Facsimile from David Allen, El Paso Field Office, Bureau of Reclamation, to Darren Powell, Herman Settemeyer, et al.	06/25/1996	US0344779-89
406	Resolution of the Rio Grande Compact Commission Regarding the Need for Careful Evaluation of the Water Supply and Socioeconomic Impacts of Any Designation of Critical Habitat for the Rio Grande Silvery Minnow	03/25/1999	CO-015027-29

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407	Memorandum of Understanding between the Rio Grande Compact Commission and the United States Bureau of Reclamation	03/21/2002	TX_00294718-23
408	Resolution of the Rio Grande Compact Commission Regarding the Development of an Appropriate Methodology for Determining the Annual Allocation of Usable Water in Rio Grande Project Storage	03/21/2002	CO-014987
409	Email from Filiberto Cortez, Manager, El Paso Field Division, Bureau of Reclamation, to Chris Rich et al.	04/12/2002	US0252067-69
410	Facsimile from Steve Vandiver, Engineer Adviser, State of Colorado, to Ken Maxey, Albuquerque Area Manager, Bureau of Reclamation, and Filiberto Cortez, Manager, El Paso Field Division, Bureau of Reclamation	08/02/2002	US0212528-29
411	Letter from Filiberto Cortez, Manager, El Paso Field Division, Bureau of Reclamation, to William A. Paddock	09/11/2002	CO-001429-32
412	"Rio Grande Project/Rio Grande Compact Operations" presentation by Herman Settemeyer, P.E.	2004	NM_00293816-23
413	Resolution of the Rio Grande Compact Commission Concerning Federal Agency Operations of Their Water-Related Facilities on the Rio Grande Compact Accounting	03/25/2004	TX_00292976-77
414	Report of the Engineer Advisers to the Rio Grande Compact Commission	03/04/2005	NM_00016912-930
D3 Period and Post-Operating Agreement Documents (2006 - present)			
500	EPCWID Water Allocation Records (2006-2016)	2006-2016	NM_00133172, NM_00133187, US0535717, and US0480510 - US0480518

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501	Report of the Rio Grande Compact Commission 2005	03/23/2006	NM_00005643-82
502	D3 Allocation of Project Water to the Districts and Mexico	04/24/2006	TX_00299715-716
503	Briefing Paper by Filiberto Cortez, Manager, El Paso Field Division, Bureau of Reclamation, to Robert W. Johnson, Commissioner, Bureau of Reclamation	11/02/2006	US0461692
504	Letter from Filiberto Cortez, Manager, El Paso Field Division, Bureau of Reclamation, to Gary Esslinger, Manager-Treasurer, Elephant Butte Irrigation District	11/21/2006	US0169483-91
505	Texas Commission on Environmental Quality, Certificate of Adjudication No. 23-5940	03/07/2007	TX_00252218-225
506	Affidavit of Filiberto Cortez	04/20/2007	NM_00425603-607
507	2007 Operating Procedures	05/15/2007	US_0200578-605
508	Bureau of Reclamation, Environmental Assessment and Finding of No Significant Impact for the Bureau of Reclamation Federal Rio Grande Project New Mexico-Texas Operating Procedures, Dona Ana, Sierra, and Socorro Counties, New Mexico and El Paso County, Texas	06/11/2007	TX_00299572-616
509	Bureau of Reclamation, Rio Grande Project Allocation of Project Water Supply ("Reclamation Data Table")	03/05/2008	NM_00133860
510	2008 Operating Agreement	03/10/2008	US0108795-818
511	Filiberto Cortez, Lower Rio Grande Project Operating Agreement: Settlement of Litigation - Presentation	10/2008	NM_00252702-07
512	United States Bureau of Reclamation, Calendar Year 2009 Report to the Rio Grande Compact Commission	2009	EBID 154459, 154526-34

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
513	Letter from Filiberto Cortez, Manager El Paso Field Division, United States Bureau of Reclamation, to Water Accounting Division, United States Section, International Boundary Water Commission	09/22/2009	US0138419-25
514	Letter from Filiberto Cortez, Manager El Paso Field Division, United States Bureau of Reclamation, to Lieutenant Colonel Kimberly Colloton, District Engineer, United States Army Corps of Engineers	09/29/2009	US0138426-35
515	Final Judgment and Decree, <i>In re: The Adjudication of Water Rights in the Upper Rio Grande Segment of Rio Grande Basin</i> , No. 2006-3219 (El Paso Cnty. Dist. Ct.)	10/30/2009	US0398891-916
516	Bureau of Reclamation, Calendar Year 2009 Report to the Rio Grande Compact Commission	03/2010	EBID 154459 - EBID 154548
517	Letter from John D'Antonio, State Engineer, State of New Mexico to Michael Connor, Commissioner, United States Bureau of Reclamation	03/04/2010	NM_00253700-11
518	Rio Grande Compact Commission, Transcript of the 72nd Annual Meeting (94th Meeting)	03/30/2011	NM_00016508-669
519	Handwritten notes prepared by Patrick Gordon, Texas Commissioner to the Rio Grande Compact Commission, in a meeting between Texas and New Mexico on or about 5/11/11 - photographed by Rolf Schmidt-Petersen	5/11/2011	NM_00467081-82
520	Complaint for Declaratory and Injunctive Relief, <i>New Mexico v. United States</i> , No. 1:11-cv-00691 (D.N.M. Aug. 8, 2011)	08/08/2011	NM_00425629-662
521	Email from Filiberto Cortez, Manager El Paso Field Division, United States Bureau of Reclamation, to Rolf Schmidt-Peterson, Rio Grande Bureau Basin Manager, New Mexico Interstate Stream Commission	04/11/2012	NM_00255358 - NM_00255360

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522	Affidavit of Rolf I. Schmidt-Petersen, Rio Grande Basin Manager, New Mexico Interstate Stream Commission and New Mexico Engineer Adviser to the Rio Grande Compact Commission	06/13/2012	NM_00397272-277
523	Letter from Scott A. Verhines, State Engineer, State of New Mexico, to Ed Drusina, Commissioner, International Boundary and Water Commission, and Mike Hamman, Albuquerque Area Manager, United States Bureau of Reclamation	09/21/2012	US0119242-43
524	Texas Commission on Environmental Quality, News Release	01/08/2013	TX_00284614-15
525	Email from Filiberto Cortez, Manager, El Paso Field Division, Bureau of Reclamation, to Kenneth Rice, Bureau of Reclamation (May 2, 2013)	05/02/2013	US0548076-78
526	Texas Commission on Environmental Quality, Biennial Report to the 84th Legislature	2014	TX_00644663-67
527	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, <i>New Mexico ex rel. Office of the State Engineer v. Elephant Butte Irr. Dist.</i> , no. CV-96-888, ¶ 4 (N.M. 3d Judicial Dist., Feb. 17, 2014)	2/17/2014	NM_00467458-6 6
528	Resolution of the Rio Grande Compact Commission Regarding Temporary Modification of Operations at El Vado Reservoir in New Mexico during April, May, and June 2015	03/24/2015	NM_00433778-79
529	Bureau of Reclamation, Continued Implementation of the 2008 Operating Agreement for the Rio Grande Project, New Mexico and Texas: Final Environmental Impact Statement (“FEIS”)	09/30/2016	EPCWID_206696 - EPCWID_207277

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
530	Filiberto Cortez, Bureau of Reclamation, EBID Depletion Reduction and Offset Program WaterSMART Grant Proposal	06/01/2017	US0464227-28
531	Rio Grande Project Operations Manual	03/13/2018	US0599457-74
Hearing Transcripts & Pleadings			
600	<i>Texas v. New Mexico, et al.</i> , Original Action #141, In the Supreme Court of the United States; Transcript of August 19, 2015 Oral Argument before Special Master Grimsal	08/19/2015	No Bates 91, 100
601	State of Texas's Responses to the State of New Mexico's First Set of Interrogatories to the State of Texas	08/28/2020	No Bates
602	United States Responses to New Mexico's First Set of Requests for Admission	11/04/2019	No Bates

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OFFICE OF THE SPECIAL MASTER

◆

STATE OF NEW MEXICO'S CERTIFICATE OF SERVICE

◆

This is to certify that on November 5th, 2020, I caused a true and correct copy of the **State of New Mexico's Notice of Filing of New Mexico Exhibit Compendium: Index** to be served by e-mail and/or U.S. Mail, as indicated, upon the Special Master, counsel of record, and all interested parties on the Service List, attached hereto.

Respectfully submitted this 5th day of November 2020.

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