

No. 141, Original

IN THE  
SUPREME COURT OF THE UNITED STATES

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STATE OF TEXAS,

*Plaintiff,*

v.

STATE OF NEW MEXICO and  
STATE OF COLORADO,

*Defendants.*

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**OFFICE OF THE SPECIAL MASTER**

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**STATE OF NEW MEXICO'S NOTICE OF FILING OF NEW MEXICO  
SUPPLEMENTAL 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 Supplemental Exhibit Compendium: Index, attached hereto as Appendix A.

Respectfully submitted,

/s/ Jeffrey J. Wechsler

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**APPENDIX A**

**TEXAS v. NEW MEXICO and COLORADO, No. 141 Original  
In the Supreme Court of the United States**

**NEW MEXICO SUPPLEMENTAL EXHIBIT COMPENDIUM: INDEX**

The following Exhibits are submitted in support of New Mexico’s Responses in Opposition to the United States of America’s and the State of Texas’s Motions for Partial Summary Judgment filed on December 22, 2020. The original exhibits to the motions filed on November 4, 2020 are indicated in black font. The new exhibits are indicated in blue font. New Mexico’s Supplemental Exhibits are available at the following Sharefile site:

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

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
	<b>Declarations</b>		
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. - 2nd Declaration	11/04/2020	No Bates
006	Barroll, Margaret, Ph.D. - 2nd Declaration	12/22/2020	No Bates
007	D’Antonio, John R., Jr., P.E. - 2nd Declaration	12/22/2020	No Bates
008	Lopez, Estevan, P.E. - 2nd Declaration	12/22/2020	No Bates
009	Schmidt-Petersen, Rolf - 2nd Declaration	12/22/2020	No Bates
010	Serrano, Ryan	12/22/2020	No Bates
011	Stevens, Jennifer, Ph.D. - 2nd Declaration	12/22/2020	No Bates
012	Sullivan, Greg, P.E.	12/22/2020	No Bates

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
013	Wilson, Lee, Ph.D.	12/22/2020	No Bates
<b>Expert Reports</b>			
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
102	Expert Report/Supplemental Rebuttal: Barroll, Margaret, Ph.D.	07/15/2020	NM_00467085 - NM_00467127
103	Expert Report/(2nd Edition) 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/(2nd Edition) 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

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
115	Expert Report/Reply and Supplement: Sunding, David	12/30/2019	Page 1
116	Expert Report (3rd Edition): Barth, Gilbert, Ph.D. [select pages only]	09/15/2020	App. H p. 4-1, 5-12, 5-19
117	LRG Wells and Groundwater Level Declines (graphic sourced from Expert Report/Rebuttal (Second Edition): Barth, Gilbert & Larson, Steven)	09/15/2020	No Bates
118	Effect of 2008 OA on New Mexico: A Vicious Cycle (graphic sourced from Barroll, Margaret Expert Report (10/31/2019) and Barroll, Margaret Rebuttal Report (06/15/2020))	2020	No Bates
119	Expert Report/Rebuttal: Ferguson, Ian [select pages only]	12/30/2019	Page 4-7
120	Expert Report: Schorr, Staffan, and Kikuchi, Colin	05/31/2019	Page 3
121	Expert Report/Rebuttal: Spalding, Charles and Morrissey, Dan [select pages only]	07/15/2020	Figure 5.4, 5.6, 6.1, 6.4, 8.21, 8.22 and App. Q
122	Expert Report (2nd Edition Original): Sullivan, Greg and Welsh, Heidi	07/15/2020	No Bates
123	Expert Rebuttal Report (2nd Edition): Sullivan, Greg and Welsh, Heidi	09/15/2020	No Bates
124	Expert Report: Brandes, Robert	05/31/2019	Page 16-17
125	Expert Report: Carron, John and Setzer, Steven	09/15/2020	App. A, pages 6-7
126	Expert Report: Hutchinson, William R.	12/31/2019	Page 41
127	Expert Report/Rebuttal (2nd Edition): Barth, Gilbert, and Larson, Steven	09/15/2020	Fig. 3-1
	<b>Deposition Transcripts</b>		
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

<b>NM-EX #</b>	<b>EXHIBIT DESCRIPTION</b>	<b>DOCUMENT DATE</b>	<b>BATES RANGE OR PAGES CITED</b>
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, 157
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

<b>NM-EX #</b>	<b>EXHIBIT DESCRIPTION</b>	<b>DOCUMENT DATE</b>	<b>BATES RANGE OR PAGES CITED</b>
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
<b>226</b>	<b>Deposition: Barroll, Margaret, Ph.D. 30(b)(6)</b>	<b>10/21/2020</b>	<b>22-23, 47, errata</b>
<b>227</b>	<b>Deposition: Barroll, Margaret, Ph.D.</b>	<b>02/05/2020</b>	<b>39-40</b>
<b>228</b>	<b>Deposition: Cortez, Filiberto (United States 30(b)(6))</b>	<b>08/20/2020</b>	<b>20-22</b>
<b>229</b>	<b>Deposition: Dorman, Sheldon</b>	<b>06/09/2020</b>	<b>29, 71-72</b>
<b>230</b>	<b>Deposition: Esslinger, Gary</b>	<b>08/17/2020 (Volume I)</b>	<b>121-122</b>
<b>231</b>	<b>Deposition: Rios, Robert</b>	<b>08/26/2020</b>	<b>56</b>
<b>232</b>	<b>Deposition: Serrano, Ryan</b>	<b>02/26/2019</b>	<b>54-55, 72-74, 85-91, 94-96, 232</b>

<b>NM-EX #</b>	<b>EXHIBIT DESCRIPTION</b>	<b>DOCUMENT DATE</b>	<b>BATES RANGE OR PAGES CITED</b>
233	Deposition: Thacker, Cheryl	04/18/2019	15-26, 33-48, 58-59, 74, 76-78, 98-99
234	Deposition: D'Antonio, John	6/26/2020	317-319, 329-331
235	Deposition: Thacker, Cheryl 30(b)(6)	09/18/2020	33-38, 42-44, 76
236	Deposition: Serrano, Ryan	04/17/2019	183
237	Deposition: Lopez, Estevan, P.E 30(b)(6)	09/18/2020	23, 33-34, 49, 67, 83-85
238	Deposition: Ferguson, Ian	02/19/2020 (Volume I)	129
239	Deposition: Mills, Kelly	08/27/2020	28-29; 38-39
240	Deposition: Kryloff, Nicolai	08/06/2020	27, 57, 111-112, 118-119
241	Deposition: Miltenberger, Scott	06/08/2020	93, 99-101, 103, 105-106, 114-115
242	Deposition: Esslinger, Gary	08/18/2020	22-24, 30-46, 157
243	Deposition: Esslinger, Gary	08/17/2020	112-113
244	Deposition: Reyes, Jesus	08/31/2020	10, 42, 36-50, 58-59
245	Deposition: King, Phillip	05/18/2020	91-92, 101
246	Deposition: Gordon, Patrick	07/15/2020 (Volume II)	70
247	Deposition: Gordon, Patrick	07/14/2020 (Volume I)	17-29
248	Deposition: Chavez, Danny	07/22/2020	69
249	Deposition: French, Larry	08/31/2020	All pages
250	Deposition: Mills, Kelly Wade	08/27/2020	All pages
251	Deposition: Alexander, Kathy	08/28/2020	10-11



NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
252	Deposition: McKinnon, Temple	08/31/2020	36-37
<b>Pre-Compact and Early Compact Documents (Up to 1950)</b>			
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
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

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
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
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

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
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
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
332	<b>John J. Vernon and Francis E. Lester, <i>Pumping for Irrigation from Wells</i>, Bulletin No. 45, State College, N.M.: New Mexico College of Agriculture and Mechanic Arts, Agricultural Experiment Station, April 1903</b>	<b>1903</b>	<b>NM_00151688 - NM_00151754</b>
333	<b>E.P. Osgood, <i>Comments on Compact Negotiations</i> (undated, c. 1929)</b>	<b>1929</b>	<b>NM_00101878 - NM_00101886</b>
334	<b>Rio Grande Project Histories (Water Announcements), Bureau of Reclamation</b>	<b>1946-1950</b>	<b>Various NM bates numbers.</b>
335	<b>Rio Grande Project Histories (Future Work), Bureau of Reclamation</b>	<b>1950</b>	<b>NM_00029079 – NM_00029080</b>
337	<b>Exhibit Omitted</b>		

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
336	Willis T. Lee, <i>Water Resources of the Rio Grande Valley in New Mexico</i>	1907	NM_00180395 – NM_00180467
338	<i>Rio Grande Compact</i> by Francis W. Wilson, Compact Commissioner	1929	NM_00118535 – NM_00118546
339	Letter from J.W. Taylor, President and Manager, to Mr. D.C. Henny, February 7, 1927	02/07/1927	NM_00117911-7912
340	E.P. Osgood, <i>Preliminary Report Upon the Use, Control &amp; Disposition of the Rio Grande and Its Tributaries Above Fort Quitman, Texas</i> , March 31, 1928.	03/31/1928	NM_00118318 - NM_00118334
341	Raymond A. Hill to Mr. Clayton, Memorandum In re Meeting of Committee of Engineers, at Santa Fe, November 22 to 24, 1937, November 26, 1937	11/22-24/1937	TX_00002921-2924
342	Charles S. Slichter, <i>Observations on the Ground Waters of Rio Grande Valley</i> , U.S. Geological Survey Water-Supply and Irrigation Paper No. 141 (Washington, D.C.: Government Printing Office, 1905)	1905	NM_00166701 - NM_00166788
343	C.S. Conover, <i>Preliminary Memorandum on Groundwater Supplies for Elephant Butte Irrigation District, New Mexico</i> , September 1947	1947	NM_00154110 - NM_00154137
344	1929 (Temporary) Rio Grande Compact	02/12/1929	NM_00464042 – NM_00464057
345	Letter from Raymond A. Hill, Engineer Advisor, State of Texas, to Frank B. Clayton, Rio Grande Compact Commissioner, State of Texas (Jan. 27, 1936)	01/27/1936	US0186530-35
346	Letter from Frank B. Clayton, Rio Grande Compact Commissioner, State of Texas, to National Resources Committee	02/01/1936	NM_00056304-11
347	E.L. Barrows, <i>Report of Seepage Study on Rio Grande Between Elephant Butte Dam and Leasburg Dam</i>	11/26-28/1928	NM_00112806-13

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
348	D.C. Henny, Board of Engineers, report to Bureau of Reclamation: <i>Rio Grande Project, Report on Water Supply and Project Area High Line Canal Construction Power Development and City Water Supplies</i>	11/1919	NM_00103166-305
349	Harold Conkling, Extract of report to Bureau of Reclamation: <i>Water Supply of the Rio Grande River (extract)</i>	06/18/1919	TX_00182093-135
350	R.A. Scalapino, <i>Ground-Water Resources of the El Paso Area, Texas, Progress Report No. 6</i>	1949	TX_00203252-90
351	W.F. Resch, Bureau of Reclamation, <i>Statement of Water Supply</i>	06/20/1950	US0183515
352	1939-1940 - First and Second Annual Report of the Rio Grande Compact Commission (Compact Rules)	1939-1940	NM_00003841; NM_00003849 - NM_00003851
<b>D2 Period Documents (1951-2005)</b>			
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

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
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
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
415	<b>Memorandum Opinion – <i>Mestas, et al. vs. Elephant Butte Irrigation District, et al.</i>, CIV NO. 78-138-B, D.N.M. (05-11-1979)</b>	<b>05/11/1979</b>	<b>NM_0096395 – NM_0096446</b>

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
416	S. E. Reynolds & Philip B. Mutz, <i>Water Deliveries under the Rio Grande Compact</i> , 14 Nat. Resources J. 201 (1974)	1974	NM_00335427 - NM_00335433
417	Rio Grande Project Histories (Water Announcements), Bureau of Reclamation	1951-1957	Various NM_ bates numbers
418	Transcript of Proceedings of the 43 <sup>rd</sup> Annual Meeting of the Rio Grande Compact Commission (Mar. 25, 1982)	03/25/1982	NM_00011802 - NM_00011915
419	Rio Grande Project Histories (Water Announcements), Bureau of Reclamation	1951	NM_00029501 – NM_00029508
420	Rio Grande Project Histories (Operations and Maintenance), Bureau of Reclamation	1951-1957	Various NM_ bates numbers
421	Supplemental Contracts Providing for the Deferment of Construction Charges Payable in Calendar Year	1956-1958 and 1964	NM_00031084 - NM_00031085; NM_00031321 - NM_00031322; NM_00031559 - NM_00031560; NM_00032904 - NM_00032907
422	Bureau of Reclamation License Agreement with El Paso County Water Improvement District 1 for Installation of 4 Water Wells	1978	NM_00034666 - NM_00034669
423	Rio Grande Project Implementing Third-Party Contract among the Bureau of Reclamation, El Paso County Water Improvement District 1, and the City of El Paso	04/10/2001	US0550115 - US0550192
424	C.S. Conover, <i>Ground-Water Conditions in the Rincon and Mesilla Valleys and Adjacent Areas in New Mexico</i> . Geological Survey Water-Supply Paper 1230, prepared in cooperation with the Elephant Butte Irrigation District	1954	NM_00124489 - NM_00124696
425	Filiberto, Cortez to Fifer, Ed Summary of June 25, 1999 Meeting to Discuss Water Accounting Procedures at Riverside Canal and Haskell Street Waste Water Treatment Plant's Discharge	07/08/1999	US0168520 - US0168522

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
426	Rio Grande Compact Commission Resolution	1974	CO - 016957 - CO - 016960
427	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)	09/11/1980	TX_00175935 - TX_00175942
428	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	09/17/1982	NM_00283188 - NM_00283190
429	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”)	12/03/2004	NM_00018298 - NM_00018301
430	State Engineer Order #168: In the Matter of the Requirements for Metering Groundwater Withdrawals in the Lower Rio Grande Watermaster District, New Mexico (1 <sup>st</sup> Metering Order)	12/03/2004	NM_00075344 - NM_00075347
431	Supplemental Contract Providing for the Deferment of Construction Charges Payable in Calendar Year 1965	1965	NM_00032904 - NM_00032907
432	Narendra Gunaji, <i>Groundwater Conditions in the Elephant Butte Irrigation District</i>	11/1961	Stevens-DepoEx-0016
433	Reclamation Water Announcement, Bureau of Reclamation	03/01/1954	NM_00068549
434	Ira Clark, <i>Water in New Mexico: A History of its Management and Use</i> (University of New Mexico Press)	1987	No Bates
435	Exhibit Omitted		



NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
436	State Engineer Order #172: In the Matter of the Requirements for Metering Groundwater Withdrawals in the Lower Rio Grande Water Master District, New Mexico (2 <sup>nd</sup> Metering Order)	12/20/2005	NM_00018302 - NM_00018306
437	Ralph E. Smith, United States Geological Survey, Bulletin 5603, <i>Ground-Water Resources of the El Paso District, Texas</i>	02/1956	NM_00124794-832
438	W.F. Resch, Bureau of Reclamation, <i>Water Announcement</i>	01/05/1952	US0184183
439	W.F. Resch, Bureau of Reclamation, <i>Water Announcement</i>	08/25/1954	US_0167149 – US_0167154
440	Bureau of Reclamation, Rio Grande Project History Calendar Year 1954	1955	US0019910
441	James Salopek, President of Elephant Butte Irrigation District, Affidavit in the matter of Elephant Butte Irrigation District’s Emergency Application for Permit to Use Supplemental Wells to Supplement Ground or Surface Water	03/03/2004	EBID141921 – EBID141928
442	Transcript of Proceedings from 43rd Annual Meeting of the Rio Grande Compact Commission	03/25/1982	NM_00011802-915
443	Letter from L.E. Archer, President, EBID Board of Directors to EBID Constituents	08/1978	EBID141955-57
444	1978 RGP Histories, “License Agreement with El Paso County Water Improvement District No. 1 for Installation of 4 Water Wells” (Bureau of Reclamation)	02/01/1978	NM_00034666 - NM_00034669
445	Amended Rules and Regulations Governing the Diversion and Use of Tributary Groundwater in the Arkansas River Basin, Colorado	04/01/1996	No Bates
446	Exhibit Omitted		
447	Ashworth, J.B., <i>Evaluation of Ground-Water Resources in El Paso County, Texas, Texas Water Development Board, Report 324</i>	03/1990	

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
448	Email from Chris Rich, Solicitor to the United States Department of the Interior to Patrick Gordon, Texas Rio Grande Compact Commissioner and Lee Leininger, United States Department of Justice	05/17/2011	TX00186417 - TX00186418
<b>D3 Period and Post-Operating Agreement Documents (2006 - present)</b>			
500	EPCWID Water Allocation Records (2006-2016)	2006-2016	NM_00133172, NM_00133187, US0535717, and US0480510 - US0480518
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

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
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
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

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
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
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

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
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
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
532	<i>Reyes, Jesus, Water Conservation and Management Projects in El Paso County Water Improvement District. Presented at Symposium: Far West Texas Climate Change, June 17, 2008</i>	06/17/2008	NM_00136471 - NM_00136508
533	<i>State Engineer Supplemental Order #180: In the Matter of the Requirements for Metering Groundwater Withdrawals in the Lower Rio Grande Watermaster District, New Mexico (Final Metering Order)</i>	03/28/2007	NM_00077646 - NM_00077648
534	<i>Order Designating Stream System Issue/Expedited Inter Se Proceeding No. 104: The United States Interests in the Stream System, 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 Expedited Inter Se Order)</i>	01/08/2010	US0416472 - US0416473
535	<i>Order Granting the State’s Motion to Dismiss the United States’ Claims to Groundwater and Denying the United States’ Motion for Summary 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 (SS104 Summary Judgment Order)</i>	08/16/2012	TX_00175943 - TX_00175952
536	<i>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)</i>	04/17/2017	NM_00096525 - NM_00096580

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
537	Exhibit Omitted		
538	Proposed Rules and Regulations Providing for Active Water Resources Administration of the Waters of the Lower Rio Grande Water Master District - First Public Draft	06/28/2006	NM_00075441 - NM_00075500
539	Proposed Rules and Regulations Providing for Active Water Resources Administration of the Waters of the Lower Rio Grande Water Master District - Second Public Draft released by the Office of the State Engineer	11/14/2006	NM_00075708 - NM_00075783
540	Office of the State Engineer, Lower Rio Grande Water Master Annual Report 2018 Accounting Year	09/04/2019	NM_00467431 - NM_00467457
541	Final Judgment, <i>State of New Mexico ex rel. Office of the State Engineer v. Elephant Butte Irrigation District</i> , CV-96-888 In the Third Judicial District, Dona Ana County, State of New Mexico (SS101 LRG Adjudication Order)	08/22/2011	NM_00082198 - NM_00082223
542	Memorandum from Ryan J. Serrano to John Romero, WRAP Director: Field Investigation of river pumps/diversions along the Rio Grande between Elephant Butte Reservoir and the New Mexico/Texas State Line	06/26/2013	NM_00443276 - NM_00443381
543	Memorandum Opinion, <i>State of New Mexico ex rel. State Engineer v Faykus</i> , No. A-1-CA-36848 In the Court of Appeals of the State of New Mexico	04/13/2020	NM_00396851 - NM_00396871
544	Letter from Gary Esslinger, Elephant Butte Irrigation District Manager, to Ed Drusina, International Boundary and Water Commission Commissioner	01/25/2012	US0387213 - US0387216
545	<i>In the Matter of the Permit of the City of Eunice, NM to Transport Water for Use Outside the State of New Mexico-LEA County Underground Water Basin; Permit No. L-4920, Amended Authorization to Transport Water for Use Outside New Mexico</i>	08/30/2011	No Bates

NM-EX #	EXHIBIT DESCRIPTION	DOCUMENT DATE	BATES RANGE OR PAGES CITED
546	Final Judgment, <i>State of New Mexico ex rel. Office of the State Engineer v. Elephant Butte Irrigation District</i> , CV-96-888 In the Third Judicial District, Dona Ana County, State of New Mexico (SS101 LRG Adjudication Order)	08/22/2011	NM_00082198 - NM_00082223
547	Exhibit Omitted		
548	Memorandum from Ryan J. Serrano, LRG Water Master to John Romero, WRAP Director: New Mexico Groundwater Irrigations Wells Pumping Groundwater for Use in Texas	09/11/2018	NM_00289688 - NM_00289691
549	2018 Annual Report of the Rio Grande Compact Commission [Compact Rules]	2018	NM_00216032; NM_00216119 - NM_00216123
550	Historical Abstract Regarding Elephant Butte Irrigation District's Conjunctive Management of Groundwater and Surface Water in the New Mexico Portion of the Rio Grande Project, submitted by the Elephant Butte Irrigation District and its Board of Directors	07/11/2008	NM_00300464 - NM_00300665
	<b>Hearing Transcripts &amp; Pleadings</b>		
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	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
603	State of New Mexico's Objections and Responses to the State of Texas's First Set of Requests for Admission to the State of New Mexico	09/02/2020	No Bates

<b>NM-EX #</b>	<b>EXHIBIT DESCRIPTION</b>	<b>DOCUMENT DATE</b>	<b>BATES RANGE OR PAGES CITED</b>
604	Resume of Dr. Lee Wilson		No Bates
605	Listing of Expert Testimony of Dr. Lee Wilson		No Bates
606	Comparison of Select New Mexico and Texas Water Administration Facts (information from deposition testimony, sworn declarations, Texas Commission on Environmental Quality website, Texas Water Development Board website)		No Bates



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 December 22nd, 2020, I caused a true and correct copy of the **State of New Mexico's Notice of Filing of New Mexico Supplemental 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 22nd day of December, 2020.

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