

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

**APPENDIX OF EVIDENCE
IN SUPPORT OF STATE OF TEXAS'S OPPOSITIONS TO THE STATE OF
NEW MEXICO MOTIONS FOR PARTIAL SUMMARY JUDGMENT AND
BRIEFS IN SUPPORT**

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December 22, 2020

APPENDIX OF EVIDENCE

| Index No. | Description | Bates Beginning | Bates Ending |
|------------------|---|------------------------|---------------------|
| 1 | 1947 Conover Report | TX_MSJ_006492 | TX_MSJ_006519 |
| 2 | 1954 Conover Report | TX_MSJ_006520 | TX_MSJ_006727 |
| 3 | Memorandum Re Declaration of Rio Grande Basin (Elephant Butte Reservoir to Colorado State Line) (November 29, 1956) | TX_MSJ_006728 | TX_MSJ_006737 |
| 4 | Rio Grande, Elephant Butte Dam to El Paso, Texas (1982 Report) | TX_MSJ_006738 | TX_MSJ_006745 |
| 5 | Rio Grande Compact Commission held in the Holiday in Alamosa, Colorado (March 26, 1992) | TX_MSJ_006746 | TX_MSJ_006758 |
| 6 | ABQ Journal Article (April 11, 2011) | TX_MSJ_006759 | TX_MSJ_006760 |
| 7 | Letter from Texas Natural Resources Commission to Thomas Turney (April 27, 2001) | TX_MSJ_006761 | TX_MSJ_006762 |
| 8 | Thomas Turney Statement to U.S. Senate (August 14, 2001) | TX_MSJ_006763 | TX_MSJ_006767 |
| 9 | Santa Fe New Mexican Article (January 23, 2002) | TX_MSJ_006768 | TX_MSJ_006770 |
| 10 | Thomas Turney Deposition Transcript (January 14, 2003) | TX_MSJ_006771 | TX_MSJ_006801 |
| 11 | Erek Fuchs Memorandum to John D'Antonio (May 15, 2003) | TX_MSJ_006802 | TX_MSJ_006817 |
| 12 | City of El Paso and El Paso Letter to USBR, and others (January 5, 2004) | TX_MSJ_006818 | TX_MSJ_006822 |
| 13 | Email from Suzanne Dooley to USDOJ and USBR (March 23, 2006) | TX_MSJ_006823 | TX_MSJ_006825 |
| 14 | Letter from Rebecca Dempsey to John D'Antonio (August 30, 2007) | TX_MSJ_006826 | TX_MSJ_006829 |

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| 15 | Excerpts of Deposition of John D'Antonio, Vol. 2 (June 25, 2020) | TX_MSJ_006830 | TX_MSJ_006891 |
| 16 | Excerpts of Deposition of Patrick Gordon, Vol. 1 (July 14, 2020) | TX_MSJ_006892 | TX_MSJ_006940 |
| 17 | State of New Mexico's Exceptions to the First Interim Report of the Special Master and Brief in Support (June 9, 2017) | TX_MSJ_006941 | TX_MSJ_007013 |
| 18 | The State Texas Objections and Responses to the State of New Mexico's First Set of Requests for Admissions (July 24, 2020) | TX_MSJ_007014 | TX_MSJ_007086 |
| 19 | New Mexico's Brief in Opposition to Texas's Motion for Leave to File Complaint (March 11, 2013) | TX_MSJ_007087 | TX_MSJ_007133 |
| 20 | New Mexico's Motion to Dismiss Texas's Complaint and the United States' Complaint in Intervention (April 30, 2014) | TX_MSJ_007134 | TX_MSJ_007253 |
| 21 | Excerpts of Deposition of Peggy Barroll, Vol. 2 (August 7, 2020) | TX_MSJ_007254 | TX_MSJ_007268 |
| 22 | Declaration of Patrick R. Gordon | TX_MSJ_007269 | TX_MSJ_007274 |
| 23 | Excerpts of Deposition of Peggy Barroll, Vol. 2 (February 6, 2020) | TX_MSJ_007275 | TX_MSJ_007295 |
| 24 | Excerpts of Deposition of Peggy Barroll (July 9, 2020) | TX_MSJ_007296 | TX_MSJ_007311 |
| 25 | Declaration of Robert Brandes | TX_MSJ_007312 | TX_MSJ_007329 |
| 26 | Excerpts of Deposition of Estevan Lopez (February 26, 2020) | TX_MSJ_007330 | TX_MSJ_007349 |
| 27 | Excerpts of Deposition of Estevan Lopez, Vol. 1 (July 6, 2020) | TX_MSJ_007350 | TX_MSJ_007367 |

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| 28 | Declaration of Theresa Barfield | TX_MSJ_007368 | TX_MSJ_007370 |
| 29 | Declaration of Scott Miltenberger | TX_MSJ_007371 | TX_MSJ_007450 |
| 30 | Attachment 1: to Scott Miltenberger's Declaration | TX_MSJ_007451 | TX_MSJ_007469_36 |
| 31 | Attachment 2: to Scott Miltenberger's Declaration | TX_MSJ_007470 | TX_MSJ_007566 |

Dated: December 22, 2020

Respectfully submitted,

s/ Stuart L. Somach

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