

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

UNITED STATES' DISCLOSURE OF PRELIMINARY WITNESS LIST

JEFFREY WALL
Acting Solicitor General
JEAN E. WILLIAMS
Deputy Assistant Attorney General
FREDERICK LIU
Assistant to the Solicitor General
JAMES J. DuBOIS
R. LEE LEININGER
JUDITH E. COLEMAN
JOHN P. TUSTIN
JENNIFER A. NAJJAR
Attorneys, Environment and Natural Resources Division
U.S. Department of Justice

Counsel for the United States

Pursuant to the Court's Order and Amendment to Trial Management Schedule dated September 29, 2020 ("Scheduling Order"), the United States provides the preliminary list of witnesses it may call at trial in this matter to testify for purposes of its case-in-chief. The United States has not included possible rebuttal witnesses. A specific summary of testimony is premature at this time, but, with the exception of Ms. Spener whose deposition is scheduled for October 9, each of the listed individuals have been deposed, and their testimony is anticipated to be within the range of topics covered by those depositions.

The United States reserves the right to identify additional witnesses for authentication of documents or to meet the requirements of the Federal Rules of Evidence, if needed, based upon objections that Plaintiffs may assert to the Government's exhibit list. The United States reserves the right to present rebuttal testimony through the witnesses listed below or through other witnesses not identified herein, as identification of potential rebuttal witnesses is premature. The United States also reserves the right to amend this list as final witness lists for trial are due. The United States further reserves the right to call any and all witnesses listed on the witness list provided by other parties.

A. Percipient witnesses:

1. Filiberto Cortez
U.S. Bureau of Reclamation
10737 Gateway Blvd West
Suite 350
El Paso, TX 79935
2. Michelle Estrada-Lopez
U.S. Bureau of Reclamation
555 Broadway Ave NE
Suite 100
Albuquerque, NM 87102
3. Ian Ferguson
U.S. Bureau of Reclamation

6th Avenue and Kipling Street
Building 67 (86-68210)
Denver, CO 80225

4. Sally Spener,
International Boundary and Water Commission,
United States and Mexico, United States Section (USIBWC),
4171 N. Mesa Street,
Suite C-100, El Paso,
Texas 79902-1441
5. Al Blair
District Engineer, El Paso County Water Improvement District #1
13247 Alameda Ave.
Clint, TX 79836
6. J. Phillip King
Department of Civil Engineering
New Mexico State University
Box 30001, MSC 3CE
Las Cruces, NM 88003
7. Gary L. Esslinger
Elephant Butte Irrigation District Manager and Treasurer
530 S. Melendres St.
Las Cruces, NM 88005

B. Expert Witnesses:

1. Michelle Estrada-Lopez
U.S. Bureau of Reclamation
555 Broadway Ave NE
Suite 100
Albuquerque, NM 87102
2. Ian Ferguson
U.S. Bureau of Reclamation
6th Avenue and Kipling Street
Building 67 (86-68210)
Denver, CO 80225
3. Jean Moran
Senior Hydrologist
Stetson Engineers, Inc.
785 Grand Avenue, Ste. 202
Carlsbad, CA 92008

4. Al Blair
District Engineer, El Paso County Water Improvement District #1
13247 Alameda Ave.
Clint, TX 79836

5. J. Phillip King
Department of Civil Engineering
New Mexico State University
Box 30001, MSC 3CE
Las Cruces, NM 88003

Respectfully submitted this 1st day of October, 2020.

JEFFERY WALL
Acting Solicitor General
JEAN E. WILLIAMS
Deputy Assistant Attorney General

FREDERICK LIU
Assistant to the Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

/s/ James J. Dubois
JAMES J. DuBOIS
R. LEE LEININGER
Trial Attorneys
U.S. Department of Justice
Environment & Natural Resources Division
999 18th Street, South Terrace – Suite 370
Denver, CO 80202
JUDITH E. COLEMAN
JOHN P. TUSTIN
JENNIFER A. NAJJAR
Trial Attorney
U.S. Department of Justice
Environment & Natural Resources Division
P.O. Box 7611
Washington, D.C. 20004

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

CERTIFICATE OF SERVICE

This is to certify that on the 1st day of October 2020, I caused a true and correct copy of **UNITED STATES' DISCLOSURE OF PRELIMINARY WITNESS LIST** to be served via electronic mail upon those individuals listed on the Service List, attached hereto.

Respectfully submitted,

/s/ Seth C. Allison
Seth C. Allison
Paralegal Specialist

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

JEFFREY WALL*

Acting Solicitor General

JEAN E. WILLIAMS

Deputy Assistant Attorney General

FREDRICK LIU

Assistant to the Solicitor General

US 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

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

Seth Allison, Paralegal

Seth.allison@usdoj.gov

JUDITH E. COLEMAN

JOHN P. TUSTIN

JENNIFER A. NAJJAR

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

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

John.tustin@usdoj.gov
(202) 305-3022

jennifer.najjar@usdoj.gov
(202) 305-0476

STATE OF COLORADO

PHILIP J. WEISER
Attorney General of Colorado

chad.wallace@coag.gov
(720) 508-6281

ERIC R. OLSEN
Colorado Solicitor General

preston.hartman@coag.gov
(720) 508-6257

LAIN LEONIAK
Acting First Assistant Attorney
General

eric.olson@coag.gov

CHAD M. WALLACE*
Senior Assistant Attorney

nan.edwards@coag.gov

PRESTON V. HARTMAN
Assistant Attorney General

Paralegal II

Nan B. Edwards, Paralegal II

Colorado Department of Law
7th Floor, 1300 Broadway
Denver, CO 80203

STATE OF NEW MEXICO

HECTOR H. BALDERAS
New Mexico Attorney General

hbalderas@nmag.gov
tmaestas@nmag.gov

TANIA MAESTAS

ckhoury@nmag.gov

CHOLLA KHOURY

psalazar@nmag.gov

Chief Deputy Attorney General

(505) 239-4672

Assistant Attorney General

STATE OF NEW MEXICO

P.O. Drawer 1508

Santa Fe, New Mexico 87501

PATRICIA SALAZAR - Assistant

MARCUS J. RAEL, JR.*

marcus@roblesrael.com

LUIS ROBLES

luis@roblesrael.com

Special Assistant Attorneys General

chelsea@roblesrael.com

ROBLES, RAEL & ANAYA, P.C.

pauline@roblesrael.com

500 Marquette Avenue NW, Suite 700

bonnie@roblesrael.com

Albuquerque, New Mexico 87102

(505) 242-2228

CHELSEA SANDOVAL – Firm Administrator

PAULINE WAYLAND – Paralegal

BONNIE DEWITT - Paralegal

BENNETT W. RALEY

braley@troutlaw.com

LISA M. THOMPSON

lthompson@troutlaw.com

MICHAEL A. KOPP

mkopp@troutlaw.com

Special Assistant Attorneys General

(303) 861-1963

TROUT RALEY

1120 Lincoln Street, Suite 1600

Denver, Colorado 80203

JEFFREY WECHSLER
Special Assistant Attorney General
MONTGOMERY & ANDREWS
325 PASEO DE PERALTA
SANTA FE, NM 87501
DIANA LUNA - Paralegal

jwechsler@montand.com
(505) 986-2637

dluna@montand.com

JOHN DRAPER
Special Assistant Attorney General
DRAPER & DRAPER LLC
325 PASEO DE PERALTA SANTA FE,
NM 87501
DONNA ORMEROD - Paralegal

john.draper@draperllc.com
(505) 570-4591

donna.ormerod@draperllc.com

STATE OF TEXAS

STUART SOMACH*
ANDREW M. HITCHINGS
ROBERT B. HOFFMAN
FRANCIS M. "MAC" 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
CORENE RODDER - Secretary
CHRISTINA GARRO - Paralegal
YOLANDA DE LA CRUZ - Paralegal
RENA WADE - Secretary

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)
cgarro@somachlaw.com
crodder@somachlaw.com
ydelacruz@somachlaw.com
rwade@somachlaw.com
(512) 463-2012

KEN PAXTON
Attorney General
JEFFREY C. MATEER
First Assistant Attorney General
DARREN L. McCARTHY
Deputy Attorney General for Civil Litigation
PRISCILLA M. HUBENAK
Chief, Environmental Protection Division
P.O. Box 12548
Austin, TX 78711-2548

Priscilla.Hubenak@oag.texas.gov

AMICI / FOR INFORMATIONAL PURPOSES ONLY

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

JAMES C. BROCKMANN*
JAY F. STEIN
STEIN & BROCKMANN, P.A.
505 Don Gaspar Avenue
P.O. Box 2067
Santé Fe, New Mexico 87505

(505) 983-3880
jcbrockmann@newmexicowaterlaw.com
jfstein@newmexicowaterlaw.com
administrator@newmexicowaterlaw.com

PETER AUH
ALBUQUERQUE BERNALILLO COUNTY
WATER UTILITY AUTHORITY
P.O. Box 568
Albuquerque, NM 87103-0568

(505) 289-3092
pauh@abcwua.org

CITY OF EL PASO

DOUGLAS G. CAROOM*
SUSAN M. MAXWELL
BICKERSTAFF HEATH DELGADO
ACOSTA, LLP
2711 S. MoPac Expressway
Building One, Suite 300
Austin, TX 78746

(512) 472-8021
dcaroom@bickerstaff.com
smaxwell@bickerstaff.com

CITY OF LAS CRUCES

JAY F. STEIN*
JAMES C. BROCKMANN
STEIN & BROCKMANN, P.A.
P.O. Box 2067
Santa Fe, NM 87504

(505) 983-3880
jfstein@newmexicowaterlaw.com
jcbrockmann@newmexicowaterlaw.com
administrator@newmexicowaterlaw.com

JENNIFER VEGA-BROWN
MARCIA B. DRIGGERS
LAW CRUCES CITY ATTORNEY'S OFFICE
P.O. Box 12428
Las Cruces, New Mexico 88004

(575) 541-2128
jvega-brown@las-cruces.org
marcyd@las-cruces.org

ELEPHANT BUTTE IRRIGATION DISTRICT

SAMANTHA R. BARNCASTLE*

BARNCASTLE LAW FIRM, LLC

1100 South Main, Ste. 20

P.O. Box 1556

Las Cruces, NM 88005

Janet Correll - Paralegal

(575) 636-2377

(575) 636-2688 (fax)

samantha@h2o-legal.com

janet@h2o-legal.com

EL PASO COUNTY WATER AND IMPROVEMENT DISTRICT

MARIA O'BRIEN*

SARAH M. STEVENSON

MODRALL, SPERLING, ROEHL, HARRIS

& SISK, PA

500 Fourth Street N.W.; Suite 1000 Albuquerque,

New Mexico 87103-2168

SHANNON GIFFORD – Legal Assistant

LAMAI HOWARD – Legal Assistant

(505) 848-1803 (direct)

mobrien@modrall.com

sarah.stevenson@modrall.com

shannong@modrall.com

lamaih@modrall.com

RENEA HICKS

LAW OFFICE OF MAX RENEA HICKS P.O.Box 303187

Austin, TX 78703

rhicks@renea-hicks.com

HUDSPETH COUNTY CONSERVATION AND RECLAMATION DISTRICT

ANDREW S. "DREW" MILLER*

KEMP SMITH LLP

816 Congress Avenue, Suite 1260

Austin, TX 78701

(512) 320-5466

dmiller@kempsmith.com

STATE OF KANSAS

TOBY CROUSE*

Solicitor General, State of Kansas

DEREK SCHMIDT

Attorney General, State of Kansas

JEFFREY A. CHANAY

Chief Deputy Attorney General

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
P.O. Box 2240 4206
Corrales Road
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