

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 OF AMERICA’S NOTICE OF EXHIBIT DISCLOSURES AND
OBJECTIONS**

BRIAN H. FLETCHER
Acting Solicitor General

TODD KIM
Assistant Attorney General
EDWIN S. KNEEDLER
Deputy Solicitor General
FREDERICK LIU
Assistant to the Solicitor General
JAMES J. DuBOIS
R. LEE LEININGER
JUDITH E. COLEMAN
JENNIFER A. NAJJAR
Attorneys, Environment and Natural Resources Division
U.S. Department of Justice
Counsel for the United States

In response to the Special Master's September 16, 2021 Order regarding Remote Trial Proceedings, the United States provides the following exhibit disclosures and objections for Michelle Estrada-Lopez. As of this filing, the parties agree that Ms. Estrada-Lopez is the only witness expected to testify on Monday, October 4, 2021. Accordingly, the United States provides the following:

- **Attachment 1:** Ms. Estrada-Lopez's direct-examination exhibit index, which identifies the State of New Mexico's objections;
- **Attachment 2:** Ms. Estrada-Lopez's cross-examination exhibit index, which identifies the United States' and Texas' objections.

All exhibit indexes and related exhibits have been uploaded to Box.com and are available for the parties to access and download. In an effort to resolve these objections, the parties have met and conferred good faith. While these objections remain unresolved, the parties believe many of these concerns will be resolved with additional context.

Respectfully submitted this 3rd day of October 2021,

BRIAN H. FLETCHER
Acting 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

/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
JENNIFER A. NAJJAR
Trial Attorneys
U.S. Department of Justice
Environment & Natural Resources Division
P.O. Box 7611
Washington, D.C. 20004

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CERTIFICATE OF SERVICE

This is to certify that on the 3rd day of October, 2021, I caused a true and correct copy of the **UNITED STATES OF AMERICA’S NOTICE OF EXHIBIT DISCLOSURES AND OBJECTIONS** 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

BRIAN H. FLETCHER

Acting Solicitor General

TODD KIM

Assistant Attorney General

EDWIN S. KNEEDLER

Deputy Solicitor General

FREDERICK LIU

Assistant to the Solicitor General

US Department of Justice

950 Pennsylvania Avenue,

NW Washington, DC 20530-0001 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

supremectbriefs@usdoj.gov

(202) 514-2217

james.dubois@usdoj.gov

(303) 844-1375

Lee.leininger@usdoj.gov

(303) 844-1364

Seth Allison, Paralegal

Seth.allison@usdoj.gov

JUDITH E. COLEMAN

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

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
ckhoury@nmag.gov
zoagaz@nmag.gov
psalazar@nmag.gov
(505) 239-4672

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

marcus@roblesrael.com
luis@roblesrael.com
susan@roblesrael.com
chelsea@roblesrael.com
pauline@roblesrael.com
bonnie@roblesrael.com

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 – Firm Administrator

PAULINE WAYLAND – Paralegal

BONNIE DEWITT - Paralegal

(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
ltompson@troutlaw.com
mkopp@troutlaw.com
(303) 861-1963

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 L. 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

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)

crivera@somachlaw.com

crodder@somachlaw.com

ydelacruz@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
ROBERT CABELLO
LAW CRUCES CITY ATTORNEY'S OFFICE
P.O. Box 12428
Las Cruces, New Mexico 88004

(575) 541-2128
cityattorney@las-cruces.org
jvega-brown@las-cruces.org
rcabello@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*

(505) 848-1803 (direct)

SARAH M. STEVENSON

mobrien@modrall.com

MODRALL, SPERLING, ROEHL, HARRIS

sarah.stevenson@modrall.com

& SISK, PA

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

New Mexico 87103-2168

CHARLIE PADILLA – Legal Assistant

CharlieP@modrall.com

rhicks@renea-hicks.com

RENEA HICKS

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

Austin, TX 78703

HUDSPETH COUNTY CONSERVATION AND RECLAMATION DISTRICT

ANDREW S. "DREW" MILLER*

(512) 320-5466

KEMP SMITH LLP

dmiller@kempsmith.com

816 Congress Avenue, Suite 1260

Austin, TX 78701

STATE OF KANSAS

TOBY CROUSE*

Solicitor General, State of Kansas

(785) 296-2215

DEREK SCHMIDT

toby.crouse@ag.ks.gov

Attorney General, State of Kansas

bryan.clark@ag.ks.gov

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

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

SOUTHERN RIO GRANDE DIVERSIFIED CROP FARMERS ASSOCIATION

ARNOLD J. OLSEN*
HENNIGHAUSEN OLSEN & McCREA, L.L.P.
P.O. Box 1415
Roswell, NM 88202-1415
MALINA KAUAI - PARALEGAL
ROCHELLE BARTLETT- LEGAL ASSISTANT

ajolsen@h2olawyers.com

mkauai@h2olawyers.com
rbartlett@h2olawyers.com

ATTACHMENT

1

Exhibit No.	Bates Begin	Bates End	Date	Document Description	Category (A, B, C)	Category B Objections (Cite Fed. R. Evid.)	Category C Objections (Cite Fed. R. Evid.)	Admitted
Estrada-Lopez_Demo-01	Estrada-Lopez PPT at 2			Location of Rio Grande Project and Features	A			
Estrada-Lopez_Demo-02	Estrada-Lopez PPT at 3			Location of Rio Grande Project and Features - Project Storage (EB Res)	A			
Estrada-Lopez_Demo-03	Estrada-Lopez PPT at 4			Photos of the Elephant Butte Dam	A			
Estrada-Lopez_Demo-04	Estrada-Lopez PPT at 5			Location of Rio Grande Project and Features - Project Storage (Caballo Res)	A			
Estrada-Lopez_Demo-05	Estrada-Lopez PPT at 6			Photos of the Caballo Dam	A			
Estrada-Lopez_Demo-06	Estrada-Lopez PPT at 7			Photos of the Caballo Gage	A			
Estrada-Lopez_Demo-07	Estrada-Lopez PPT at 8			Location of Rio Grande Project and Features - Diversions to EBID (NM) (Percha)	A			
Estrada-Lopez_Demo-08	Estrada-Lopez PPT at 9			Photos of the Percha Diversion Dam	A			
Estrada-Lopez_Demo-09	Estrada-Lopez PPT at 10			Location of Rio Grande Project and Features - Diversions to EBID (NM) (Leasburg)	A			
Estrada-Lopez_Demo-10	Estrada-Lopez PPT at 11			Photos of the Leasburg Diversion Dam	A			
Estrada-Lopez_Demo-11	Estrada-Lopez PPT at 12			Location of Rio Grande Project and Features - Diversions to EBID (NM) and EP No. 1 (TX)	A			
Estrada-Lopez_Demo-12	Estrada-Lopez PPT at 13			Photos of the Mesilla Diversion Dam	A			
Estrada-Lopez_Demo-13	Estrada-Lopez PPT at 14			Location of Rio Grande Project and Features - Diversions to EP No. 1 (TX)	A			
Estrada-Lopez_Demo-14	Estrada-Lopez PPT at 15			Photos of the American Diversion Dam	A			
Estrada-Lopez_Demo-15	Estrada-Lopez PPT at 16			Location of Rio Grande Project and Features - Diversions to Mexico	A			
Estrada-Lopez_Demo-16	Estrada-Lopez PPT at 17			Photos of the International Diversion Dam	A			
Estrada-Lopez_Demo-17	Estrada-Lopez PPT at 18			Location of Rio Grande Project and Features - Drainage and Waste to HCCRD	A			
Estrada-Lopez_Demo-18	Estrada-Lopez PPT at 19			Photos of Canals and Laterals	A			
Estrada-Lopez_Demo-19	Estrada-Lopez PPT at 20			Project Order Sheet	A			
Estrada-Lopez_Demo-20	Estrada-Lopez PPT at 21			Photos of the Del Rio Drain	A			
Estrada-Lopez_Demo-21	Estrada-Lopez PPT at 22			Contracts related to Project Water Delivery	A			
Estrada-Lopez_Demo-22	Estrada-Lopez PPT at 23			Excerpt of the Convention of 1906	A			
Estrada-Lopez_Demo-23	Estrada-Lopez PPT at 24			Release Season – Reclamation’s Role	A			
Estrada-Lopez_Demo-24	Estrada-Lopez PPT at 25			Allocation Process	A			
Estrada-Lopez_Demo-25	Estrada-Lopez PPT at 26			Initial Calculation of Water Available for	A			
Estrada-Lopez_Demo-26	Estrada-Lopez PPT at 27			Initial Calculation of Allocations	A			
Estrada-Lopez_Demo-27	Estrada-Lopez PPT at 28			Initial Calculation of Mexico’s Allocations	A			
Estrada-Lopez_Demo-28	Estrada-Lopez PPT at 29			D1 Curve	A			
Estrada-Lopez_Demo-29	Estrada-Lopez PPT at 30			Initial Calculation of EBID’s and EP No. 1’s	A			
Estrada-Lopez_Demo-30	Estrada-Lopez PPT at 31			D2 Curve	A			
Estrada-Lopez_Demo-31	Estrada-Lopez PPT at 32			Updating Water Available for Project Release	A			
Estrada-Lopez_Demo-32	Estrada-Lopez PPT at 33			Updating Water Available for Project Release	A			
Estrada-Lopez_Demo-33	Estrada-Lopez PPT at 34			Updating Water Available for Project Release	A			
Estrada-Lopez_Demo-34	Estrada-Lopez PPT at 35			Updating Water Available for Project Release	A			
Estrada-Lopez_Demo-35	Estrada-Lopez PPT at 36			Updating Water Available for Project Release	A			
Estrada-Lopez_Demo-36	Estrada-Lopez PPT at 37			Updating Allocations	A			
Estrada-Lopez_Demo-37	Estrada-Lopez PPT at 38			Final Allocation and Accounting Process	A			
Estrada-Lopez_Video Clip #1			8/17/2021	Video Clip of Elephant Butte Reservoir - 00:02:20:00-00:03:15:00	A			
Estrada-Lopez_Video Clip #2			8/17/2021	Video Clip of Caballo Reservoir - 00:04:50:00-	A			

Estrada-Lopez_Video Clip #3			8/17/2021	Video Clip of Percha Diversion Dam - 00:06:00:00-00:06:15:00	A			
Estrada-Lopez_Video Clip #4			8/17/2021	Video Clip of Leasburg Diversion Dam - 00:08:10:00-00:08:50:00	A			
Estrada-Lopez_Video Clip #5			8/17/2021	Video Clip of Mesilla Diversion Dam - 00:10:25:00-00:11:00:00	A			
Estrada-Lopez_Video Clip #6			8/17/2021	Video Clip of the American Dam - 00:15:13:00-	A			
Estrada-Lopez_Video Clip #7			8/17/2021	Video Clip of the International Dam -	A			
Estrada-Lopez_Video Clip #8			8/17/2021	Video Clip of the Del Rio Drain - 00:09:30:00-	A			
NM-2373	NM-2373-0001	NM-2373-0023	3/10/2008	2008 Operating Agreement for the Rio Grande Project	B	Rule of Completeness Fed.		
NM-2464	NM-2464-0001	NM-2464-0018	4/11/2018	Rio Grande Project - Operations Manual, Recommendation of Changes on 03/13/2018	B	Rule of Completeness Fed.		
TX_0084	TX_0084-0001	TX_0084-0014	3/19/1998	Balliew, John Exhibit from Deposition Testimony, Vol. 1 (9/12/2019) EXHIBIT NO. 13: Contract for the Conversion of Rio Grande Project Water from Irrigation to Miscellaneous Purposes and Uses Other Than	A			
US-055	US-0055_0001	US-0055_0045	3/3/2020	CY 2019 Rio Grande Compact Engineer Advisers Meeting presentation Mar. 3, 2020	A			
US-116	US-0116_0001	US-0116_0080	2/6/2001	Resolution authorizing the Mayor to sign the Rio Grande Project Implementing Third-Party Contract among the US, EPCWID No.1 and City of El Paso for conversion of Rio Grande	A			
US-367	US-0367_0001	US-0367_0024	11/9/1937	Contract between the US and EBID for Adjustment of Project Construction Charges	A			
US-436	US-0436_0001	US-0436_0015	4/27/1951	Amendatory Contract for Rental of Water by Hudspeth County Conservation and Reclamation District No.1 April 27, 1951	A			
US-458	US-0458_0001	US-0458_0014	11/10/1937	Contract between the United States and the El Paso County Water Improvement District No. 1 Adjusting Construction Charges and for	A			
US-511	US-0511_0001	US-0511_0018	2/15/1979	Contract between the US and EBID for the transfer of the Operation and Maintenance of Project Works dated February 15, 1979	A			
US-512	US-0512_0001	US-0512_0022	3/14/1980	Contract between the US and EPCWID No.1 transfer of the Operation and Maintenance of Project Works dated March 14, 1980	A			
US-661	US-0661_0001	US-0661_0001	7/15/2019	Rio Grande Project Water Order Form	A			

ATTACHMENT

2

TrialExhibit	Trialexno	ProdBeg	ProdEnd	Date	Subject/Title	Category (A, B, C)	Category B Objections (Cite Fed. R. Evid.)	Category C Objections (Cite Fed. R. Evid.)	Admitted
NM Demonstrative	NM-DEMO-002				LRG Basin Tour	A			
NM Demonstrative	NM-DEMO-003				Comparison of District Allotment Data 2008-2020	A			
NM Demonstrative	NM-DEMO-004				Allocation and Diversion Charge Data	A			
CO	CO-0037	CO - 015677	CO - 015683	3/23/2006	Memorandum of EA's Recommendation re: Accounting of Accrued Rio Grande Compact Credit Water in Project	B	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403		
CO	CO-0207	US0215846	US0215861	9/12/2005	Final Allocation of the 2005 Rio Grande Project Water Supply Based on End of	C		U.S. Objects to Foundation. Fed. R. Evid. 602	
CO	CO-0214	US0234397	US0234402	4/8/2002	2002 Rio Grande Project Water Supply	A			
CO	CO-0227	US0495147	US0495149	4/14/2004	RESOLUTION OF THE RIO GRANDE COMPACT COMMISSION CONCERNING FEDERAL AGENCY OPERATIONS OF THEIR WATER-RELATED FACILITIES ON THE RIO GRANDE AND COMPACT	B	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403		
JT	JT-0206	BOR0011030	BOR0011089	12/31/1951	Rio Grande Project History 1951 2 of 6.pdf	A			

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JT	JT-0342	NM_00003993	NM_00004013	2/20/1947	1946 - Eighth Annual Report of the Rio Grande Compact	B/C	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	U.S. Objects to Foundation. Fed. R. Evid. 602	
JT	JT-0363	NM_00004605	NM_00004634	3/28/1974	1973 - Thirty-Fifth Annual Report of the Rio Grande Compact	A			
JT	JT-0391	NM_00072907	NM_00072962	3/21/2002	2001 - Sixty-Third Annual Report of the Rio Grande Compact	A			
JT	JT-0395	NM_00005643	NM_00005682	3/23/2006	2005 - Sixty-Seventh Annual Report of the Rio Grande Compact	A			
JT	JT-0402	NM_00006129	NM_00006233	3/21/2013	2012 - Seventy-Fourth Annual Report of the Rio Grande Compact Commission	A			
JT	JT-0409	NM_00472918	NM_00473011	11/12/2020	2019 - Eighty-first Annual Report of the Rio Grande Compact	A			
JT	JT-0428	NM_00100914	NM_00100930	2/25/1952	Rio Grande Compact, Act of May 31, 1939, 53 Stat. 785 (Compact)	A			
JT	JT-0436	NM_00132758	NM_00132765	3/7/2007	TCEQ Certificate of Adjudication No. 23-5940 (of US water	C		U.S. Objects to Foundation. Fed. R. Evid. 602	
JT	JT-0439	NM_00174693	NM_00174695	5/21/1906	1906 Convention between the US and Mexico providing for the equitable distribution of the	A			
JT	JT-0440	NM_00237424	NM_00237487	1/29/1985	1985 Operating Agreement for the Rio Grande Project	B/C	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	U.S. Objects to Foundation. Fed. R. Evid. 602	

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JT	JT-0462	US0551673	US0551721	7/1/1952	River Loss Caballo Dam to El Paso and Irrigation Wells	C		U.S. Objects to Foundation. Fed. R. Evid. 602	
JT	JT-0469	US0033604	US0033608	6/29/1956	Friedkin, J.F., Memorandum re: 1906 Treaty Deliveries to Mexico	C		U.S. Objects to Foundation. Fed. R. Evid. 602	
JT	JT-0470	NM_00133860	NM_00133860	3/5/2008	Bureau of Reclamation, Rio Grande Project Allocation of Project Water Supply	A			
JT	JT-0472	TX_00175943	TX_00175952	8/16/2012	Order Granting the State's Motion to Dismiss the United States' Claims to Groundwater and Denying the United States' Motion for	C		U.S. Objects to Foundation. Fed. R. Evid. 602	
JT	JT-0473	NM_EX-536_0001	NM_EX-536_0056	4/17/2017	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	C		U.S. Objects to Foundation. Fed. R. Evid. 602	

TrialExhibit	Trialexno	ProdBeg	ProdEnd	Date	Subject/Title	Category (A, B, C)	Category B Objections (Cite Fed. R. Evid.)	Category C Objections (Cite Fed. R. Evid.)	Admitted
JT	JT-0474	NM_EX-541_0001	NM_EX-541_0026	8/22/2011	Final 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 (SS101	B	U.S. Objects to Relevance. Fed. R. Evid. 403	U.S. Objects to Foundation. Fed. R. Evid. 602	
NM	NM-1055	NM2_00003204	NM2_00003236	11/4/2019	2019-11-04 - US Resp to NM Req for Adm.pdf	A			
NM	NM-1061	NM2_00003438	NM2_00003479	8/28/2020	2020-08-28 - US Resp to NM Second Req for Adm.pdf	A			
NM	NM-0265	Estrada-Lopez-DepoEX0006_00001	Estrada-Lopez-DepoEX0006_00002	1/1/1945	1945 Rio Grande Compact Commission Report	B	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	U.S. Objects to Foundation. Fed. R. Evid. 602	
NM	NM-0269	Estrada-Lopez-DepoEX0015_00001	Estrada-Lopez-DepoEX0015_00001	4/30/2011	Allocation Spreadsheet dated 4/30/11	B	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403		
NM	NM-0271	Estrada-Lopez-DepoEX0017_00001	Estrada-Lopez-DepoEX0017_00001	6/30/2011	Allocation Spreadsheet dated 6/30/11	B	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403		
NM	NM-0274	Estrada-Lopez-DepoEX0020_00001	Estrada-Lopez-DepoEX0020_00001	9/30/2011	Allocation Spreadsheet dated 9/30/11	B	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403		
NM	NM-0512	NM_00132064	NM_00132066	1/20/2006	Reclamation Manual: Policy, Reuse of Project Water	A			
NM	NM-0668	NM_00276028	NM_00276044	3/23/2006	2006 - Minutes of the 67th Annual Meeting of the Rio Grande Compact Commission	B	U.S. Objects to Relevance & Hearsay. Fed. R. Evid. 401, 403 &		

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NM	NM-0697	NM_00297585	NM_00297598	1/1/1985	Rio Grande Project Water Supply Allocation Procedures	A			
NM	NM-0797	NM_00452493	NM_00452493	5/11/2011	Project Allocation May 11 UPDATE.xlsx	B	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403		
NM	NM-1711	NM2_00044332	NM2_00044332	12/31/2018	Allocation spreadsheet 2018	B	U.S. Objects to Relevance & Hearsay. Fed. R. Evid. 401, 403 &		
NM	NM-2270	US0109736	US0109742	1/25/2007	2007 Rio Grande Project Water Supply Initial Allocation	A			
NM	NM-2373	US0384146	US0384168	3/10/2008	2008 Operating Agreement for the Rio	A			
NM	NM-2464	US0599457	US0599474	4/11/2018	Rio Grande Project - Operations Manual, Recommendation of Changes on 03/13/2018	A			
NM	NM-2469	US0609883	US0609886	4/19/2017	Allocation Committee Review Allocation Manual	B	U.S. Objects to Relevance & Hearsay. Fed. R. Evid. 401, 403 &		
NM, CO	NM-2315; CO-0206	US0213326	US0213327	7/10/2003	June 27, 2003 letter regarding credit water and its evaporation and release	B	U.S. Objects to Relevance & Hearsay. Fed. R. Evid. 401, 403 &		
NM, US	NM-0210; US-0657	EPCWID_20669 6	EPCWID_20727 7	9/30/2016	Continued Implementation of the 2008 Operating Agreement for the Rio Grande Project, New Mexico and Texas: Final Environmental	B	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	U.S. Objects to Foundation. Fed. R. Evid. 602	

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US	US-0002	US0435520	US0435520	4/7/2011	2011 PROJECTED ALLOCATION FOR RIO GRANDE PROJECT RESERVOIRS	B	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403		
US	US-0008	US0584953	US0584954	2/16/2011	2011 Projected Allocation for Rio Grande Project Reservoirs Operational	B	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403		
US	US-0010	US0838806	US0838817	2/24/2020	United States of America's Disclosure of Rebuttal E+F46xpert Witness Michelle	A			
US	US-0020	US0838968	US0838968	3/31/2011	Allocation Spreadsheet dated 3/31/11	B	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403		
US	US-0036	US0845660	US0845660		EBID_Allocation_Charges_2019_Final.xlsx	A			
US	US-0041	US0845671	US0845671	10/1/2019	EPCWID Diversion Allocation Charges for October 2019	A			
US	US-0046	US0845762	US0845770	4/8/2021	Memorandum re Documentation of EOY Final Allocation Calculations and Revision of Final Allocations for 2018,	A			
US	US-0047	US0845771	US0845773	4/7/2021	Memorandum re Allocation Charges to the US Districts for Over-Allocation and	A			
US	US-0054	US0846273	US0846363	3/1/2020	CY 2019 Report to the RGCC	A			

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US	US-0067	US0823431	US0823444	3/18/1998	Contract between BOR and EPCWID No.1 for the Conversion of RGP	A			
US	US-0200	US0842532	US0842542	10/1/2008	Rio Grande Project Diversions Allocations 2008	A			
US	US-0275	US0480521	US0480521	3/26/2003	RGP Historical Allocation of Project Water Supply 1951 -	A			
US	US-0380; NM-2265	US0778611	US0778777	10/1/2020	Operations and Maintenance Manual Upper Rio Grande Projects October 2010	A			
US	US-0499	NM_EX-508_0001	NM_EX-508_0045	6/11/2007	Environmental Assessment and FONSI RGP	B	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403		
US	US-0547	US0544879	US0544879	3/29/2016	Allocation Committee Designation 2016	A			
US	US-0556	US0584006	US0584015	8/31/2008	Rio Grande Diversion Allocation	A			
US	US-0561; NM-2394	US0589163	US0589163	12/8/2010	Proposed Accounting Procedures Regarding Appendix C of the 2001 Contract	A			
US	US-0563	US0589667	US0589685	2/16/2017	Rio Grande Project Allocation and Accounting Procedures (Preliminary Draft)	A			
US	US-0564	US0589690	US0589724	2/16/2017	Rio Grande Project: Overview of Allocation & Accounting	A			
US	US-0565	US0590919	US0590923	6/6/2016	Metering Stations Used in Project Accounting	A			
US	US-0595	US0616319	US0616334	3/15/2018	Rio Grande Project: Accounting Procedures	A			