

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**

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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 Sally Spener. As of this filing, the parties agree that Ms. Spener is expected to testify on Tuesday, October 5, 2021. Accordingly, the United States provides the following:

- **Attachment 1:** Ms. Spener's direct-examination exhibit index, which identifies the State of New Mexico's objections;
- **Attachment 2:** Ms. Spener'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 4th day of October 2021,

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CERTIFICATE OF SERVICE

This is to certify that on the 4th 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
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Special Master

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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.)
JT-0439	JT-0439-0001	JT-0439-0003	5/21/1906	Convention between the United States and Mexico Providing for the Equitable Distribution of the Waters of the Rio Grande for Irrigation Purposes	A		
Spener_Demo-01	Spener PPT at 1			STRUCTURE UNDER THE 1944 WATER TREATY	A		
Spener_Demo-02	Spener PPT at 2			UNITED STATES SECTION INTERNATIONAL BOUNDARY AND WATER COMMISSION - Executive Office of the Commissioner	A		
Spener_Demo-03	Spener PPT at 3			UNITED STATES SECTION INTERNATIONAL BOUNDARY AND WATER COMMISSION - Engineering Department	A		
Spener_Demo-04	Spener PPT at 4			UNITED STATES SECTION INTERNATIONAL BOUNDARY AND WATER COMMISSION - Operations Department	A		
Spener_Demo-05	Spener PPT at 5			UNITED STATES SECTION INTERNATIONAL BOUNDARY AND WATER COMMISSION - Administration Department	A		
Spener_Demo-06	Spener PPT at 6			UNITED STATES SECTION INTERNATIONAL BOUNDARY AND WATER COMMISSION - Foreign Affairs Office	A		

ATTACHMENT

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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.)
JT	JT-0439	NM_00174693	NM_00174695	5/21/1906	1906 Convention between the US and Mexico providing for the equitable distribution of the waters of the Rio Grande	A		
NM	NM-0276	Finn2-DepoEX0011_00001	Finn2-DepoEX0011_00106	10/1/2010	Operations and Maintenance Manual Upper Rio Grande Projects	B/C	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	U.S. Objects to Foundation. Fed. R. Evid. 602
NM	NM-0278	Finn2-DepoEX0013_00001	Finn2-DepoEX0013_00080	4/8/2016	Capital Project Plan, Channel Maintenance Alternatives and Sediment-transport Studies for the RGCP	B/C	U.S. Objects to Relevance & Hearsay. Fed. R. Evid. 401, 403 & 802	U.S. Objects to Foundation. Fed. R. Evid. 602
NM	NM-0312	IBWC0000180	IBWC0000181	4/16/2012	International Boundary and Water Commission water releases to Mexico	B	U.S. Objects to Relevance & Hearsay. Fed. R. Evid. 403 & 802	
NM	NM-0637	NM_00253013	NM_00253013	12/9/2009	RGP 2009 Final Allocation Blair spreadsheet	B/C	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	U.S. Objects to Foundation. Fed. R. Evid. 602
NM	NM-0832	NM_00470756	NM_00470800	4/23/2021	Recent Developments in Rio Grande Management at the US-Mexico Border	B	U.S. Objects to Relevance & Hearsay. Fed. R. Evid. 401, 403 & 802	
NM	NM-2271	US0118888	US0118891	4/15/2008	Response to IBWC's March 5, 2008 letter requesting clarification on 2008 OA.	B	U.S. Objects to Relevance & Hearsay. Fed. R. Evid. 401, 403 & 802	
NM	NM-2276	US0124305	US0124348	3/1/2013	Report to the RGCC Fiscal Year 2012	B/C	U.S. Objects to Relevance. Fed. R. Evid. 403	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.)
NM	NM-2278	US0127967	US0127974	8/15/2008	United States Section International Boundary and Water Commission; Commissioner Briefing, New Operation Agreement and Manual	B/C	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	U.S. Objects to Foundation. Fed. R. Evid. 602
NM	NM-2279	US0128317	US0128335	3/28/2018	Rio Grande Compact Commission Meeting Powerpoint	B	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	
NM	NM-2338	US0249571	US0249572	3/5/2008	IBWC concerns re: 2008 OA / Mexico	B/C	U.S. Objects to Relevance & Hearsay. Fed. R. Evid. 401, 403 & 802	U.S. Objects to Foundation. Fed. R. Evid. 602
NM	NM-2373	US0384146	US0384168	3/10/2008	2008 Operating Agreement for the Rio Grande Project	B	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	
NM	NM-2477	US0711174	US0711175	10/30/2019	USIBWC Awards Contracts to Remove Sediment From the Rio Grande	B	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	
NM	NM-2478	US0713017	US0713019	4/26/2018	Response to Pearce letter urging channel maintenance to historic conditions (pre-1999).	B	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	
NM	NM-2479	US0735970	US0735971	3/13/2012	1906 Convention - Treaty Question	B/C	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	U.S. Objects to Foundation. Fed. R. Evid. 602
NM	NM-2483	US0745206	US0745207	3/14/2012	Re: 1906 Convention Deliveries to Mexico	B/C	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	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.)
NM	NM-2487	US0752811	US0752812	4/13/2018	Letter Rio Grande Canalization Project Channel Maintenance	B	U.S. Objects to Relevance, Hearsay,&. Fed. R. Evid. 401, 403 & 802	
NM DEMONSTRATIVE	NM-DEMO-011				Map - Annual Observation Well Locations (Figure 4-1)	B/C	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	U.S. Objects to Foundation. Fed. R. Evid. 602
NM DEMONSTRATIVE	NM-DEMO-012				Map - Major Diversion Dams and Canals in the El Paso - Juarez Valley (Figure 4.6A)	B/C	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	U.S. Objects to Foundation. Fed. R. Evid. 602
NM DEMONSTRATIVE	NM-DEMO-013				Map - Figure 5.5 - Maps showing locations of municipal and industrial wells in the El Paso-Juarez Valley	B/C	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	U.S. Objects to Foundation. Fed. R. Evid. 602
US	US-0058	US0845360	US0845364	2/5/2013	Memo re: Issues relating to scheduling of water deliveries to Mexico under the Convention of 1906	B	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	
US	US-0061	US0846019	US0846037	1/20/2021	RGP 1906 Meeting	B	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	
US	US-0444	US0778999	US0779175	12/8/2016	USIBWC Rio Grande Canalization Project River Management Plan	B	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	
JT	JT-0469	US0033604	US0033608	6/29/1956	Friedkin, J.F., Memorandum re: 1906 Treaty Deliveries to Mexico	B/C	U.S. Objects to Relevance & Hearsay. Fed. R. Evid. 401, 403, & 802	U.S. Objects to Foundation & Authentication. Fed. R. Evid. 901(a) & 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.)
NM	NM-2304	NM-2304.00001	NM-2304.00003	4/3/1979	JF Friedkin Letter to David Herrera Jordan	B/C	U.S. Objects to Relevance, Hearsay,&. Fed. R. Evid. 401, 403 & 802	U.S. Objects to Authentication. Fed. R. Evid. 901(a)
NM	NM-0697	NM-0697.00001	NM-0697.00014	1/1/1985	Rio Grande Project Water Supply Allocation Procedures (WSAP)	B/C	U.S. Objects to Relevance. Fed. R. Evid. 401 & 403	U.S. Objects to Foundation. Fed. R. Evid. 602