

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 MOTION TO AMEND TRIAL MANAGEMENT
SCHEDULE ALLOWING NEW MEXICO TO DEPOSE WITNESSES FOR UNITED
STATES INTERNATIONAL BOUNDARY AND WATER COMMISSION FOLLOWING
CLOSE OF DISCOVERY AND TO FILE DISPOSITIVE MOTIONS INCORPORATING
SUCH TESTIMONY AFTER DISPOSITIVE MOTIONS DEADLINE**

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The State of New Mexico (“New Mexico”) moves to extend certain case management deadlines so it can depose witnesses for the International Boundary and Water Commission (“IBWC”) and incorporate their testimony in dispositive motions where pertinent. In further support of this Motion, New Mexico states as follows:

I. INTRODUCTION AND SUMMARY OF ARGUMENTS

Pursuant to the Trial Management Schedule (“Scheduling Order”) of May 5, 2020, the Parties are to complete discovery by August 31, 2020, and to file any dispositive motions by October 15, 2020. [Doc. 351]. However, to date, the United States (“U.S.”) has failed to provide New Mexico with all electronically stored information (“ESI”) from the IBWC that is responsive to New Mexico’s requests for documents concerning that agency. Indeed, the U.S. advised New Mexico last Friday that it is in the process of finalizing another round of ESI production from the IBWC that could top 40,000 documents. *See* Exhibit (“Exh.”) A, Email from Lee Leininger to Shelly Dalrymple, July 17, 2020, 3:55 PM (noting that: “We are currently preparing another production that will likely add another 30-40,000 documents to our initial IBWC production [of July 15, 2020].”).

The U.S. produced its first and only set of ESI from the IBWC on July 15, 2020. *See* Exh. B, U.S.’s Notice of Fifth Supplemental Production of Electronically Stored Information, dated July 15, 2020. That initial set, which consists of 29,102 separate documents totaling over 96,000 pages of information, is so voluminous that New Mexico cannot conduct a timely review of the documents before the close of discovery. *See* Exh. A at 2, Email from Shelly Dalrymple to Lee Leininger and James Dubois, July 16, 2020, 8:11 AM (noting that “Thirty thousand documents presents an enormous problem for New Mexico to review, digest, and prepare for any necessary

discovery as to the facts in these documents, not to mention mining them for information for the four pending depositions I have requested of the United States.”).

The Parties have an obligation of diligence with respect to the production of ESI. *See* Stipulation for the Production of Documents and Electronically Stored Information (“ESI”), November 14, 2018, [Doc. 142 at ¶ 12(b)] (mandating that, if a particular production request (“RFP”) requires an additional electronic search of custodians, locations and sources for responsive email ESI, a Party receiving such an RFP confer with a Requesting Party within a set period of days and provide its proposed search terms, custodians and locations “in order to meet its obligation of diligence”).

As detailed more fully below, New Mexico has made a good faith effort to confer with the U.S. where the U.S. has proposed modified search terms for identifying ESI that would meet its obligations under the ESI Stipulation. *See id.* at ¶ 12 (“If the requesting Party . . . objects to some or all of the proposed search protocol, the Parties must confer within seven (7) days of receipt of the information provided.”); and at ¶ 19 (“Discovery Disputes. Before filing any motion with the Special Master regarding electronic discovery or evidence, the Parties shall meet and confer in a good faith attempt to resolve such disputes, in accordance with CMP section 12.”).

Despite these efforts, the U.S. has failed to meet its discovery obligations to: (1) fully meet its obligations under the ESI Stipulation; (2) timely confer with New Mexico on proposed modifications to search terms for collecting and culling ESI; and (3) produce responsive ESI for review within the time frame set for completion of all discovery, which includes depositions.

Given the volume of material produced in the U.S.’s initial production set of ESI for the IBWC, and the expected volume of the final ESI production set for this agency, two facts are clear. First, New Mexico cannot possibly review the production in time to depose any IBWC witnesses

on these documents before the close of discovery. The production is not even complete yet and what has been produced thus far is so unmanageable in sheer volume as to constitute a “data dump”. Second, New Mexico will be effectively precluded from using the IBWC production in dispositive motions given that the deadline for filing such motions expires on October 15, 2020.

There is no need to engage in any lengthy argument on these points. The Scheduling Order allows little time between the deadline for the close of discovery and the deadline for submission of dispositive motions, which the Special Master has acknowledged. *See* [Doc. 351 at 1] (“Attached as Exhibit A is an Amended Trial Management Schedule in this case. Given the amount of discovery left to be accomplished, and the set the completion of discovery for August 31, 2020. That *will not leave a lot of time between the end of discovery and filing of dispositive motions.*”) (emphasis added). In setting these deadlines, the Special Master has assumed the Parties will not be precluded from working on dispositive motions well in advance of the completion of discovery. *See id.* (“However, *I assume the parties can begin working on dispositive motions well in advance of the completion of discovery.*”) (emphasis added). Obviously, this assumption doesn’t work for New Mexico if the U.S. hasn’t even provided all ESI from the IBWC that is responsive to New Mexico’s production requests.

With discovery closing in roughly thirty (30) days, the U.S.’s failure to produce all ESI from the IBWC in accordance with its ESI Stipulation obligations severely hampers New Mexico’s ability to prosecute its case. As the Special Master has noted:

In simple terms, *this case is a dispute about where the waters of the Rio Grande have been going*, where they should have been going, and where they should go in the future. *Texas alleges New Mexico improperly has been taking more surface water, hydrologically connected groundwater, and return flows between the Elephant Butte Dam and Texas than allowed by the Rio Grande Compact.* . . . New Mexico asserts similar but geographically distinct claims against Texas and *also alleges unaccounted-for Texan and Mexican water capture is at least partially to blame for any alleged shortages experienced by Texas.*

See [Doc. 340 at 1-2] (emphasis added).

Obtaining ESI on how the IBWC has regulated the distribution of the waters of the Rio Grande and on factors that could affect “where the waters of the Rio Grande have been going” is critical for New Mexico’s defense. And New Mexico’s requests for production of ESI bearing on such matters is likely to lead to the discovery of admissible evidence because the IBWC is tasked with, *inter alia*:

Apply[ing] the rights and obligations which the Governments of the United States and Mexico assume under the numerous boundary and water treaties and related agreements. . .

As provided for in the treaties and agreements, those rights and obligations include: distribution between the two countries of the waters of the Rio Grande and of the Colorado River; . . .

In addition to cooperative projects undertaken to implement existing treaties and international agreements, the U.S. and Mexican Commissioners make recommendations to their respective Governments for resolution of new or anticipated boundary or water problems. . .

See “About Us” page on IBWC website, “The International Boundary and Water Commission - Its Mission, Organization and Procedures for Solution of Boundary and Water Problems”, *available at*, https://www.ibwc.gov/About_Us/About_Us.html.

In short, New Mexico submits there is good cause to amend the Scheduling Order to ensure that: (1) New Mexico receives *all* ESI that is responsive to its production requests by a fixed date; (2) has a reasonable opportunity to depose IBWC witnesses on information obtained through such production; and (3) has a reasonable opportunity to incorporate discoverable information on the IBWC into dispositive motions where useful. New Mexico sought the U.S.’s concurrence on this Motion prior to filing it. *See* Exh. C, Email from Shelly Dalrymple to Lee Leininger, July 22, 2020. Counsel for the U.S. opposes this Motion.

II. RELEVANT FACTS AND PROCEDURAL HISTORY

1. Counsel for New Mexico, Texas, the U.S., and Colorado (the “Parties”) negotiated the terms of the Parties’ Stipulation Regarding Procedure for Production of Documents and Electronically Stored Information (ESI) (“ESI Stipulation”), filed November 14, 2018. [Doc. 142].

2. A key provision of the ESI Stipulation required that the Parties “[C]onfer and agree upon search terms and protocols for each Party’s broadly-based search across all potentially relevant custodians, locations, and Sources, with the intent that each Party collect, review, and produce all discoverable Documents and ESI relevant to the claims, defenses, and disputed facts alleged with particularity in the pleadings.” [*Id.* at ¶ 12(a)].

3. In late June 2019, the Parties reached an agreement on a list of approximately 418 search “strings” and collection protocols to be applied in responding to production requests (the “Agreed Terms”). *See* Exh. D, Email from Christine Garro, counsel for Texas, to counsel for New Mexico, U.S. and Colorado, June 19, 2019 (memorializing issues discussed by the Parties relating to ESI searches and protocols and noting that Texas, New Mexico and the U.S. agreed to use a consolidated search terms list, and to modify the list only when search syntax/connectors require it based and depending on software searching capabilities.”); *see also* Exh. E, “Comparison of Proposed ESI Search Terms,” (showing 418 Agreed Terms, where column A (furthest left), lists final Agreed Terms, and columns B (middle)¹ and C (left) reflect, respectively, geographic limiters to be included at the request of the U.S. (middle), and the U.S.’s explanation for the geographic limiter). (For purposes of this Fact, the green and yellow highlighting should be ignored.)

¹ For purposes of this Fact, the highlighting shown on Exh. E is not relevant and should be ignored.

4. Additionally, New Mexico and Texas took the position that the Parties should run a broad search of the ESI first and follow that up with “additional searches within the resulting materials to cull the documents and materials to a set likely to be rich in potentially responsive/relevant documents, data, etc.” *Id.*

5. The Parties engaged in regular status conferences to discuss discovery issues. *See* Exh. F, Email from Shelly Dalrymple, Nov. 18, 2019, at 1 (Subject: TX. V. NM – Biweekly Discovery Calls).

6. Although Texas was able to make one ESI production in October, ostensibly using the Agreed Terms, some four (4) months later on November 14, 2019, the U.S. proposed modifications to the Agreed Terms. *Id.* at 2, Email from Lee Leininger, Nov. 14, 2019 (advising the prior list of Agreed Terms had yielded an inordinate number of non-responsive documents and stating the U.S. believes it has uncovered all broad search and syntax problems that produced this result and proposing a new search list to correct for such errors going forward).

7. New Mexico advised it would consider the proposed modification, but noted that, in the meantime, the Parties had committed to perform the necessary searches or initial ESI “pulls” using the Agreed Terms, and to deal with any anomalous results or redundancies during the internal review process. *Id.* at 1, Email from Shelly Dalrymple, Nov. 18, 2019.

8. New Mexico advised it was continuing to use the Agreed Terms for initial ESI searches and to review the resultant “hits” for responsiveness internally and to get production out to the requesting parties on a rolling basis. *Id.*

9. New Mexico stated it needed rolling production of ESI from the other Parties as quickly as possible. *Id.*

10. At no time during the Parties' regular discovery conference calls did the U.S. advise New Mexico it would be able to complete ESI production of IBWC records by the then-operative May 31, 2020 discovery deadline.

11. On March 18, 2020, the U.S. advised the Parties on the status of its ESI searches of Bureau of Reclamation ("BOR") and IBWC databases. Specifically, the U.S. advised it expected it would complete production of the BOR ESI by the end of March, and had obtained over 15,000 documents in its initial search of IBWC files. *See* Exh. G, Email from Lee Leininger, March 18, 2020. Given the enormous numbers of documents the Agreed Terms were returning for all Parties, these comments from the U.S. were not concerning in terms of the U.S. meeting the May 31, 2020 discovery deadline.

12. The U.S. also advised that: "The production of ESI from IBWC would take longer [than BOR]. *We do not have a target date for IBWC ESI final production. . .*" However, the U.S. assured the Parties that "*we will be rolling out those documents as our batch review are completed.*" *Id.* (emphasis added).

13. By way of comparison, New Mexico had filed its Eighth and Ninth Notices of Supplemental Production as of March 9, 2020. *See id.* at 2-3, Email from Michael Kopp, forwarding Notices.

14. From March 18, 2020, forward until the present, whether in the course of discovery conferences with the Parties or status conferences with the Special Master, the U.S. never mentioned that it was facing any unexpected issues that would impact its ability to complete rolling production of the ESI from the IBWC by the close of discovery. *See* Transcripts of Status Hearings from May 15, 2020, May 29, 2020, and June 12, 2020 (generally).

15. On April 1, 2020, the Special Master imposed a stay on depositions, citing concerns over COVID-19, but clarified that the stay did not apply to other discovery. *See* Order of April 1, 2020 [Doc. 339 at 1].

16. On May 5, 2020, the Special Master ordered that the stay on depositions would be lifted on May 18, 2020, and extended the deadline for completion of discovery to August 31, 2020. *See* Order of May 5, 2020 [Doc. 339 at 2].

17. On May 14, 2020, New Mexico asked the U.S. to provide dates when four (4) IBWC witnesses could appear for a deposition, anticipating that the U.S. would be ready to produce ESI from the IBWC given that the Special Master had only just extended discovery past May 31st. *See* Exh. H, Email from Shelly Dalrymple, May 14, 2020, at 1 and at 2 (proposing various dates at the end of June and July and at the beginning of August for deposing IBWC witnesses: Wayne Treers, Carolyn Donnelly, Filiberto Cortez, and former IBWC employee Ed Drusina [sp.]).

18. New Mexico scheduled a telephone conference among the Parties for June 3, 2020, in order to discuss outstanding discovery issues.

19. On June 2, 2020, the U.S. notified the Parties that it had “run into a production problem with the IBWC electronically stored information (ESI)... the search returned hundreds of thousands of documents...”. *See* Exh. I, Email from Lee Leininger, June 2, 2020.

20. More specifically, the U.S. advised that the searches it ran using its revision to the Agreed Terms had produced more than 400,000 documents, the vast majority of which appeared to be non-responsive when they were subject to internal review. *Id.* at 1.

21. The U.S. advised that it had consulted with IBWC’s counsel and record custodians on how to refine the ESI search of that agency’s records to yield more responsive documents

concentrating on four discrete subject areas: (1) documents on Rio Grande channel maintenance; (2) documents on Mexico's use of Rio Grande Project/Treaty water; (3) documents on Mexico's groundwater pumping within the Mesilla or Hueco basins; and (4) the 2008 Operating Agreement. *Id.* at 2. Based on its decision of the relevant subject areas, the U.S. provided thirty (30) new searches and reported that this search had still returned "tens of thousands" of documents, which the U.S. was currently reviewing and would be producing shortly, and asked that the Parties discuss this more "focused" search procedure the U.S. had implemented and any objections the Parties might have at their upcoming discovery conference. *Id.* at 3.

22. Of the thirty (30) new search strings, nineteen (19) contained words not in the Agreed Terms.

23. The following day, during the Parties' regularly scheduled discovery teleconference, New Mexico notified the U.S. that it was surprised the U.S. would devise new ESI search terms and apply them to the IBWC records without conferring with New Mexico and New Mexico would need time to review the situation and would likely object.

24. New Mexico then engaged in a detailed analysis of the 400 Agreed Terms, evaluating what terms were essential in order to meet its discovery needs specific to the IBWC. New Mexico engaged in good faith communications with the U.S. during this process. During these communications, the U.S. admitted the thirty search terms it proposed on June 2nd would actually only be run against the collection of IBWC documents *it had already collected* through the application of the Agreed Terms to the IBWC personnel. (Thus, the new terms would only have captured a portion of the documents relevant to the U.S.'s *new* terms, depriving New Mexico of a fully responsive production.) On June 23, 2020, New Mexico advised the U.S. that it had been able to reduce the Agreed Terms by approximately one-half to streamline the ESI search of

the IBWC records. *See id.* at 1, Email from Shelly Dalrymple, June 27, 2020, at ¶ 1 (describing modified search terms list New Mexico provided to the U.S. on June 23, 2020); *see also* Exh. E (where green highlighting marks search terms in the original Agreed Terms list that New Mexico would retain, i.e., the modified list). In providing the concessions to the U.S., New Mexico reiterated that it would have to receive the pertinent ESI from the IBWC no later than July 15 in order to be able to review the material before the close of discovery.

25. The Parties agreed to discuss New Mexico’s concessions on the ESI search terms, as well as other discovery issues, on June 26, 2020. *See* Exh. I at 1, Email from Shelly Dalrymple, June 27, 2020, at ¶ 1 (memorializing agreement to discuss New Mexico’s modified list of ESI search terms).

26. On June 26, 2020, the U.S. advised that it would provide its comments on New Mexico’s proposed modifications by June 29, 2020. The U.S. further stated it would provide data on the number of “hits” its list of targeted search terms were generating. *See id.* at ¶ 3.

27. New Mexico reiterated that in order to complete its discovery of the IBWC by the August 31st deadline for close of discovery, it would have to receive responsibly culled IBWC ESI production no later than July 15th. *See id.* at ¶ 4.

28. The U.S. did not provide any feedback on New Mexico’s proposed concessions to the U.S.’s ESI search problem until July 1, 2020. *See* Exh. J, Email from Lee Leininger, July 1, 2020.

29. The U.S. proposed further modifications, but did not provide any update on the number of documents that were being generated as a result of its proposed modifications. *See id.*

30. New Mexico analyzed the latest modifications that the U.S. proposed and on July 5, 2020 New Mexico responded with additional concessions. *See* Exh. K, Email from Shelly Dalrymple, July 5, 2020.

31. The U.S. proposed two (2) further rounds of modifications to the Agreed Terms and on July 8, 2020, it advised that it would rerun the searches based on the most recent modifications (concessions) and would produce the ESI from the IBWC “on or before July 15.” *See* Exh. L, Email from Lee Leininger, July 8, 2020 (highlights reflecting responses to Email by Shelly Dalrymple on July 9, confirming final concessions by New Mexico).

32. The U.S. has never provided an estimate of the volume of documents that would be generated as a result of these repeated modifications to the Agreed Terms.

33. New Mexico reasonably expected the modifications would, at a minimum, reduce the number of responsive documents from the “tens of thousands” of documents the U.S. reported its first “targeted” search had returned on June 2, 2020. *See* Exh. I at 3; *supra*, Relevant Facts at ¶ 21 (“This new [targeted] search has still generated tens of thousands of documents which we will be producing soon.”).

34. In anticipation of receiving the first and final set of ESI documents from the IBWC on July 15, 2020, New Mexico attempted to schedule depositions of the IBWC witnesses it had identified previously. *See* Exh. M, Email from Shelly Dalrymple, July 13, 2020, at 2; *see also* Exh. H at 2 and *supra*, Relevant Facts at ¶ 17 (providing names of four (4) IBWC witness that New Mexico would like to depose and proposing dates for the depositions in late June, late July and the first week of August).

35. On July 15, 2020, New Mexico followed up on its request to schedule depositions of IBWC witnesses, and also asked the U.S. whether it would be producing a full and final set of

all responsive ESI from the IBWC later that day or would be producing the ESI in a series of rolling productions. *See* Exh. M, Email from Shelly Dalrymple, July 15, 2020, at 1, Email at 2:23 PM (on depositions), and Email of 5:41 PM (on ESI production).

36. The U.S. did not respond other than to confirm it would be producing the ESI that evening. *See id.* at 1, Email from Lee Leininger at July 15, 2020 at 5:19 PM.

37. On the evening of July 15, 2020, the U.S. served notice that it had uploaded 29,120 documents totaling 96,392 pages of ESI information from the IBW. *See* Exh. B at 1.

38. New Mexico immediately notified the U.S. that it was surprised at the volume of documents. New Mexico also informed the U.S. that New Mexico could not promptly sample the production to determine responsiveness because of the technical processes of moving the electronic files from the site where the U.S. uploads them to the site where New Mexico can access them (Veritext) and unzip the files. New Mexico asked that the U.S. contact New Mexico forthwith to discuss these matters. *See* Exh. N, Email from Shelly Dalrymple, July 16, 2020.

39. On the afternoon of July 17, 2020, the U.S. responded by email advising that it was reviewing additional ESI that generated during the last round of searches and would be rolling out another set of responsive documents that could equal or exceed the initial production. *See* Exh. A, Email from Lee Leininger, July 17, 2020 (advising the next ESI production set could consist of an additional 30,000-40,000 documents).

40. The U.S. did not provide any details on when this second ESI production set might be forthcoming. *See id.*

41. New Mexico requested that the U.S. discuss this matter with New Mexico via conference call, advising that New Mexico would have no option but to seek relief from the Special Master if the U.S. did not fulfill its discovery obligations. Despite repeated requests for a telephone

call as to the requested depositions and the problems resulting from the U.S.'s IBWC's ESI production, the U.S. did not communicate on the issue until New Mexico scheduled an all-parties discovery call on July 22, 2020.

III. APPLICABLE LEGAL STANDARDS

Federal Rule of Civil Procedure 16(b)(4) ("Rule 16") articulates the primary standard for modifying a scheduling order, to wit: "good cause." In addition, subpart 'd' of Rule 16 states that the pretrial order "controls the course of the action unless the court modifies it." *Id.* As the Eighth Circuit has explained, the Rule 16(b)

The Eighth Circuit has explained the Rule 16(b) "good cause" standard as follows: "The primary measure of good cause is the movant's diligence in attempting to meet the order's requirements." *Rahn v. Hawkins*, 464 F.3d 813, 822 (8th Cir. 2006); *see also Sherman v. Winco Fireworks, Inc.*, 532 F.3d 709, 717 (8th Cir. 2008) ("Our cases reviewing Rule 16(b) rulings focus in the first instance (and usually solely) on the diligence of the party who sought modification of the order."); Fed.R.Civ.P. 16(b), advisory committee note (1983 Amendment) ("[T]he court may modify the schedule on a showing of good cause if it cannot reasonably be met despite the diligence of the party seeking the extension.").

Although other factors may be considered, the general consensus across the federal circuits² and federal district courts is that the inquiry turns mainly on whether the movant was

² But *see Marcilis v. Twp. of Redford*, 693 F.3d 589, 597 (6th Cir. 2012) ("A court asked to modify a scheduling order for good cause 'may do so only if [a deadline] cannot reasonably be met despite the diligence of the party seeking the extension.' " but noting another "important consideration for a district court deciding whether Rule 16's good cause standard is met is whether the opposing party will suffer prejudice by virtue of the amendment.")(internal citations omitted); *Meaux Surface Protection, Inc. v. Fogleman*, 607 F.3d 161, 167 (5th Cir. 2010) (listing four factors that bear on the good cause analysis including: four relevant factors to consider when determining whether there is good cause under Rule 16(b)(4): "(1) the explanation for the failure to timely [comply with the scheduling order]; (2) the importance of the [modification]; (3)

diligent in attempting to meet the court’s order. *See Holmes v. Grubman*, 568 F.3d 329, 335 (2d Cir. 2009) (“Whether good cause exists turns on the ‘diligence of the moving party.’”) (internal citation omitted); *Cook v. Howard*, 484 F. App’x 805, 815 (4th Cir. 2012) (“Good cause” requires ‘the party seeking relief [to] show that the deadlines cannot reasonably be met despite the party’s diligence,’ and whatever other factors are also considered, “the good-cause standard will not be satisfied if the [district] court concludes that the party seeking relief (or that party’s attorney) has not acted diligently in compliance with the schedule.”); *Squyres v. Heico Companies, L.L.C.*, 782 F.3d 224, 237 (5th Cir. 2015) (“To show good cause, the party seeking to modify the scheduling order has the burden of showing ‘that the deadlines cannot reasonably be met despite the diligence of the party needing the extension.’”) (internal citation omitted); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992) (noting the focus of the good cause inquiry is upon the “moving party’s reasons for seeking the modification” and “if that party was not diligent, the inquiry should end.”); *see also* 6A Charles Alan Wright, Arthur R. Miller, and Mary Kay Kane, *Federal Practice and Procedure Civ.3d* § 1522.2 (3d ed. 2010) (collecting cases); and 3 Moores *Federal Practice* § 15.14[1] [b], at 16–72 (Matthew Bender 3d ed. 2010) (“[A]lthough undoubtedly there are differences of views among district judges about how compelling a showing must be to justify extending the deadlines set in scheduling orders, it seems clear that the factor on which courts are most likely to focus when making this determination is the relative diligence of the lawyer or lawyers who seek the change.”).

Federal courts have also identified various factors to be evaluated when considering a motion to extend or reopen discovery: 1) whether trial is imminent, 2) whether the request is

potential prejudice in allowing the [modification]; and (4) the availability of a continuance to cure such prejudice.”

opposed, 3) whether the non-moving party would be prejudiced, 4) whether the moving party was diligent in obtaining discovery within the guidelines established by the court, 5) the foreseeability of the need for additional discovery in light of the time allowed for discovery . . . , and 6) the likelihood that the discovery will lead to relevant evidence. *See Howze v. Jones & Laughlin Steel Corp.*, 750 F.2d 1208, 1213 (3d Cir. 1984); *Wilk v. Am. Med. Assoc.*, 719 F.2d 207, 232 (7th Cir. 1983), *cert. denied* 467 U.S. 1210 (1984); *Geremia v. First Nat'l Bank of Boston*, 653 F.2d 1, 5-6 (1st Cir. 1981)).

In any case, when a court is asked to apply the Federal Rules of Civil Procedure, it must be mindful that the Rules must be “construed and administered to secure the just, speedy, and inexpensive determination of every action.” Fed.R.Civ.P. 1.

IV. ARGUMENT

The facts set forth in Section II of this Motion demonstrate there is good cause to grant New Mexico the relief it is seeking in this Motion. To reiterate, New Mexico is seeking an extension of the deadlines to complete discovery and to file dispositive motions so it can depose IBWC witnesses and incorporate their testimony in dispositive motions if needed. New Mexico is not seeking a general extension to complete discovery to any parties other than the U.S. or on any issues other than involving New Mexico’s production requests for ESI from IBWC records. The facts establish that New Mexico cannot depose IBWC witnesses before the close of discovery on August 31, 2020, and this is not due to any lack of diligence on New Mexico’s part.

Indeed, the facts show New Mexico has been very diligent in following up on ESI production requests to the U.S. for IBWC records and in trying to schedule depositions of IBWC witnesses in a timely manner. *See* Relevant Facts in Section II of this Motion (“Facts”) at ¶¶ 3-9, 15-17, 18, 23-30, 31, 37, 39.. The facts also show New Mexico has been diligent in complying

with its discovery obligations to timely produce and seasonally supplement its production of ESI in response to RFPs from other Parties. *Id.* at ¶ 13. New Mexico's discovery obligations include the duty to confer with counsel for the U.S. on discovery disputes, and in particular on proposals to modify ESI search terms and disputes arising over electronic discovery. *See id.* at ¶¶ 1-2; and *supra*, Introduction at 2 (citing to ESI Stipulation [Doc. 142 at, respectively, ¶ 12(b); at ¶ 12, at ¶ 19]. There is no question but that New Mexico has conferred with the U.S. whenever the U.S. has asked to modify ESI search terms in an effort to streamline the production of ESI and resolve matters without motions practice. *See Facts* at ¶¶ 6-7, 19, 21-26, 29-31, 38, 41.

New Mexico has the right to expect that the U.S., for its part, would be equally diligent in meeting its discovery obligations to New Mexico. The U.S. is one of the signatories to the ESI Stipulation and, as a Party to this action, it has discovery obligations under Rule 37 and CMP section 12. Those obligations include: diligently keeping New Mexico apprised of problems with ESI searches and collection; conferring in good faith on proposed modifications to ESI search terms and not simply advising of modifications after-the-fact; producing documents that are responsive to New Mexico's RFPs on IBWC records; and responding to requests to schedule depositions in a timely manner. Unfortunately, the U.S. has not always met these obligations to New Mexico. *See Facts* at ¶¶ 10-12, 14, 17-19, 24, 26, 28-29, 31-32, 35-36, 37, 39-41.

As a result of the U.S.'s failure to timely and fully produce all ESI from the IBWC that is responsive to New Mexico's RFPs, New Mexico is severely hampered in moving forward with other forms of discovery. New Mexico cannot begin to depose IBWC witnesses on the ESI information until it has all the relevant information in hand. Additionally, New Mexico will be deprived of meaningful use of the ESI if the U.S. has not conducted a review of the material generated in the ESI searches to cull any non-responsive material. *See id.* at ¶¶ 4, 8, 27. Judging

by the volume of the initial set of ESI documents that the U.S. produced from its searches of IBWC records, the U.S. has not conducted the proper internal review of these documents that is needed to cull extraneous material.

The facts indicate it was not foreseeable to New Mexico that the ESI production from the searches of IBWC records would be so voluminous. The U.S. represented the “focused” search modification it proposed on June 2, 2020, had reduced the number of hits from hundreds of thousands to tens of thousands of documents. *Compare id.* at ¶ 20 with ¶ 21. Additionally, the U.S. repeatedly represented that it was in the process of conducting “batch reviews” of the material collected from searches or was reviewing the material that was generated following modifications to the search terms. *See id.* at ¶¶ 12, 21. Such representations suggest the U.S. was conducting the type of internal New Mexico and other Parties had agreed was essential in producing ESI. *See id.* at ¶¶ 4, 7-8. And to the extent this was not the procedure the U.S. had agreed to follow, it never attempted to correct any misapprehension New Mexico might have on the matter. *See, e.g., id.* at ¶ 27, wherein New Mexico states it is expecting the U.S. to responsibly cull the materials obtained in the ESI searches before the producing them.

In sum, the facts show that New Mexico did not receive *any* ESI in response to its RFPs for IBWC records until last Wednesday, July 15, 2020, and it still has not received *all* of the responsive ESI. New Mexico should not have to forego its right to depose IBWC witnesses as part of discovery simply because the U.S. was not able to provide the ESI that is responsive to New Mexico’s production requests before now. Nor should New Mexico be deprived of the opportunity to use the ESI documents and any IBWC witness testimony on information contained therein in dispositive motions. As New Mexico has noted previously, discovery of this information from the IBWC is critical to New Mexico’s ability to defend itself in this litigation. *See supra,*

Introduction at 2-3 (quoting from [Doc. 340 at 3-4] (“In simple terms, *this case is a dispute about where the waters of the Rio Grande have been going, where they should have been going, and where they should go in the future.*”) (emphasis added) and at 4 (discussing the responsibilities of the IBWC for regulating where the Rio Grande waters go and for recommending solutions to resolve new and anticipated problems with those waters).

The only way to correct the impending prejudice to New Mexico is to grant New Mexico’s Motion to Amend the Scheduling Order so New Mexico can: (1) depose IBWC witnesses following the close of discovery; and (2) file any dispositive motions or responses to dispositive motions that are supported by testimony obtained in these depositions. Of course, before New Mexico can depose IBWC witnesses, it needs to review all the ESI that is responsive to its RFPs for IBWC records. But it is not yet in receipt of all of those records. In fact, it appears it may have only fifty (50) percent of the records that the U.S. has collected in its ESI searches and identified as responsive. Additionally, New Mexico will require the U.S.’s cooperate in scheduling depositions of IBWC witnesses. Otherwise, granting New Mexico an extension of the discovery deadline and dispositive motions will be not have its desired effect. Because the U.S. has not been able to commit to production of the remaining ESI records by a date certain, or to schedule depositions of IBWC witnesses, the Special Master will need to order the U.S. to do so.

In view of these facts, New Mexico asks that the Special Master grant this Motion for the limited purpose described above and to enter certain prefatory orders to ensure the relief sought will be effective. More specifically, as a prefatory matter, New Mexico asks that the Special Master order the U.S. to roll out its final production of IBWC ESI by no later than **August 15**. New Mexico also asks that the Special Master order the U.S. to **work with New Mexico in the interim to make sure the initial ESI production set is subject to any additional review that**

might be needed to cull non-responsive documents. Lastly, New Mexico asks that the Special Master order the U.S. to confer with New Mexico on the scheduling of depositions for IBWC witnesses and commit to deposition dates **by August 15**. There can be no prejudice to the U.S. in ordering it to comply with discovery obligations.

If the Special Master enters these orders to ensure that New Mexico can move forward with depositions of IBWC witnesses, New Mexico can be ready to depose all IBWC witnesses identified thus far and any 30(b)(6) witnesses **within ninety (90) days of the close of discovery**. New Mexico believes this time frame for completion of depositions is reasonable given the expected volume of the final ESI production set. New Mexico also believes it can incorporate any potentially dispositive information that might be obtained from these witnesses into dispositive motions by December 21st. The current Scheduling Order sets December 21st as the deadline for submission of reply briefs to dispositive motions. [Doc. 351]. However, if the Scheduling Order can be amended to set an expedited briefing schedule for any dispositive motions that New Mexico might file based on IBWC discovery, there is no reason any other pretrial deadlines need be effected. For example, the Special Master could set a single deadline in late January of 2021 by which all briefing on such dispositive motions would have to be completed, allowing a minimum of fifteen (15) days for filing response briefs and reply briefs.

There is good cause to grant this Motion under the standards that govern motion to amend scheduling orders because New Mexico has been diligent in meeting discovery and should not be prejudiced from availing itself of discovery due to factors outside its control. Likewise, the standards that factor into evaluating motions to extend discovery weigh in favor of granting New Mexico relief. Trial is not imminent; it is not scheduled until May/June of 2021. [Doc 351]. The extensions proposed above need not impact any case management deadlines in the Scheduling

Order that arise after the end of this year and the conclusion of briefing on dispositive motions. The proposed extension works no discernible prejudice on the U.S. It is simply being held to fulfillment of its discovery obligations. New Mexico has been diligent in obtaining discovery within the guidelines established in the Scheduling Order and should be entitled to expect the U.S. would be meet its obligation of diligence with respect to production of the IBWC ESI. Lastly, the requested relief is very likely to lead to the discovery of admissible evidence as to “where the waters of the Rio Grande have been going” based on information collected by one of the agencies tasked with regulating the movement of those waters.

WHEREFORE, New Mexico hereby requests the Court enter an Order that provides the following:

A. Grants’ New Mexico’s Motion to Amend Trial Management Schedule Allowing New Mexico to Depose Witnesses for United States International Boundary And Water Commission Following Close of Discovery and to File Dispositive Motions Incorporating Such Testimony After Dispositive Motions Deadline;

B. Extends the deadline for New Mexico to complete deposition of IBCW witnesses by 90 days from the close of discovery;

C. The U.S. shall roll out its final production of IBWC ESI by no later than August 15, 2020;

D. The U.S. shall work with New Mexico between now and August 15, 2020, to conduct any additional review that might be needed to cull non-responsive documents from any IBWC documents produced thus far or that remain to be produced;

E. The U.S. shall confer with New Mexico on the scheduling of depositions for IBWC witnesses and shall commit to deposition dates by August 15, 2020;

F. Extends the corresponding deadline for New Mexico to file any dispositive motions relating to IBWC from October 15, 2020 to December 21, 2020, and all briefing should be complete by January 21, 2021;

G. Awards New Mexico reasonable fees and costs in bringing this Motion forward;
and

H. Awards New Mexico any and all other relief deemed proper.

Submitted July 23, 2020

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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 the 23rd of July, 2020, I caused a true and correct copy of **New Mexico's Motion to Amend Trial Management Schedule Allowing New Mexico to Depose Witnesses for United States International Boundary And Water Commission ("IBWC") Following Close of Discovery and to File Dispositive Motions Incorporating Such Testimony After Dispositive Motions Deadline** to be served by e-mail upon all counsel of record and interested parties on the Service List, attached hereto.

Respectfully submitted this 23rd day of July, 2020.

/s/ Luis Robles

LUIS ROBLES

Special Assistant Attorney General

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From: Leininger, Lee (ENRD)
Sent: Friday, July 17, 2020 3:55 PM
To: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>; Dubois, James (ENRD) <James.Dubois@usdoj.gov>
Subject: [EXT] RE: Original No. 141 Texas v. New Mexico and Colorado

Shelly – We did accommodate New Mexico’s demands for ESI from the International Boundary Waters Commission (IBWC). Unfortunately, our effort to limit production to a much smaller document set better related to the issues of the case was rejected, and you insisted on a production of documents that were generated by the ESI list. Please recall that we informed you months ago that the list of 429 ESI search term combinations negotiated by the Parties in June 2019, and then corrected for errors in November 2019 but still containing nearly 400 separate search combinations, was a problem when applied to IBWC’s database. While the November 2019 list of terms applied reasonably well to Reclamation activities in the Rio Grande Project, when applied to IBWC’s database the search generated a large number of documents – over 600,000. For that reason, we created a more exact search with terms that would apply to IBWC’s activities within the Project. You agreed during discussions that the new search terms were much better, but declined to accept them. When we ran that “better” search, we identified approximately 7,000 documents to produce.

After New Mexico rejected that search outcome, you then insisted we run the original list with modifications. We worked cooperatively with you to modify the list including the combining of search terms and reduction of the rows of search combinations, but we still had a multitude of search terms to process. We then ran your search and produced documents to all parties on July 15. We are currently preparing another production that will likely add another 30-40,000 documents to our initial IBWC production. These documents are all responsive to your modified search list.

Your modified search term list includes changes to the original list that may be a source of much of the large volume of materials. For example, in line 131 of your modified search term list you eliminated “water accounting” and replaced it with “water” within ten words of Mexico. Your change hits on every reference to “International Boundary and Water Commission United States and Mexico” a reference the agency uses in most of its letterheads and/or communications. These are the types of problems we were seeking to avoid in pursuing the more exacting search of IBWC’s database and the use of more refined limiters.

EXHIBIT

A

In any event, because these documents are all responsive to your modified search term list and produced upon your request, we don't understand why it is an "enormous problem" for New Mexico, particularly when you can search the documents (with or without the terms and limiters we suggested), and identify documents you may find useful. Obviously, we will try to work with you if you would prefer another modification to the list, but as New Mexico uses Relativity, you can also simply run that modified search yourselves. Please let me know. Lee

From: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>

Sent: Thursday, July 16, 2020 8:11 AM

To: Leininger, Lee (ENRD) <LLeining@ENRD.USDOJ.GOV>; Dubois, James (ENRD) <JDubois@ENRD.USDOJ.GOV>

Cc: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>

Subject: FW: Original No. 141 Texas v. New Mexico and Colorado

Lee and Jim:

I was very surprised to see that the United States produced almost 30,000 IBWC ESI documents, as stated in the notice attached below. As you know, because they were produced in a ZIP file to the [Box.com](https://www.box.com) system, I cannot even take a look at them until they have been unzipped and are in Veritext, so I won't be able to get a sense of them for at least a day, nor start review of them until they are then also downloaded into the New Mexico platform.

My reasonable expectation was that the United States would produce some 2-3000 documents, given all the negotiations over the few weeks to accommodate the United States' complaints about this group of documents, and given that the United States has had over a year to get this production out.

Thirty thousand documents presents an enormous problem for New Mexico to review, digest, and prepare for any necessary discovery as to the facts in these documents, not to mention mining them for information for the four pending depositions I have requested of the United States.

I suggest a telephone call to discuss solutions.

Shelly

Shelly L. Dalrymple
NM Interstate Stream Commission

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

UNITED STATES' NOTICE OF FIFTH SUPPLEMENTAL PRODUCTION OF
ELECTRONICALLY STORED INFORMATION

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Attorneys, Environment and Natural Resources Division
U.S. Department of Justice

Counsel for the United States

EXHIBIT
B

The United States hereby provides the Parties notice that on July 15, 2020, it produced approximately 29,120 documents, consisting of 96,392 pages, by depositing the documents into the Box.com repository. This production is made pursuant to the Stipulation Regarding Procedure for Production of Documents and Electronically Stored Information (Docket No. 142), and consists of documents related to Electronically Stored Information (“ESI”). The documents produced today include documents from the Indian Boundary Water Commission (IBWC). Counsel for the Parties previously should have received an email from Denis Fargas (denis.fargas@usdoj.gov) with the Department of Justice’s Office of Information Technology inviting joinder onto the Box.com system, and providing the necessary links and instructions. The documents deposited in the Box.com repository today may now be downloaded by persons who set up accounts for the use of this service. In addition, the United States understands that the documents will be uploaded to the VeritextVault system by third parties.

Dated this 15th day of July, 2020.

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/s/ R. Lee Leininger
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From: Dalrymple, Shelly, OSE
Sent: Wednesday, July 22, 2020 9:34 AM
To: Theresa Barfield <tbarfield@somachlaw.com>; Leininger, Lee (ENRD) <Lee.Leininger@usdoj.gov>; Dubois, James (ENRD) <James.Dubois@usdoj.gov>; chad.wallace@coag.gov
Cc: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>
Subject: TX v NM: discovery meet and confer call, noon 7-22-20

Counsel:

These are the topics I would like to discuss at our conference call at noon; I will separately send you individual emails on the issues specific between NM and your client:

1. State of New Mexico's Motion to Set Date Certain For Disclosure of Supplemental Expert Reports and to Require Compliance with FRCP Rule 26(E)(2) (attached);
2. State of New Mexico's demand for compliance by all parties with Case Management Plan Appendix C (10) regarding the scope of supplemental depositions;
3. State of New Mexico's challenge to Texas's claim of privilege as to certain documents identified by Texas on July 17, 2020, pursuant to Case Management Plan Section 7.2.3(g);
4. State of New Mexico's (*motion as to the IBWC ESI production – in process*);
5. State of New Mexico's demand for deposition dates for US witnesses, pending since July 10 and July 13, 2020; and
6. Anything else the Parties would like to discuss.

Some of these are better discussed one on one between the parties involved; however, items numbered 1 and 2 require inputs from all parties so I thought we could start with those and break out as necessary.

Many thanks for your cooperation.

Shelly L. Dalrymple
New Mexico Interstate Stream Commission
Office of the General Counsel
Direct: 505.827.3897



The unauthorized disclosure or interception of e-mail is a federal crime. See 18 U.S.C. § 2517(4).

EXHIBIT

C

Dalrymple, Shelly, OSE

From: Christina Garro <cgarro@somachlaw.com>
Sent: Wednesday, June 19, 2019 7:51 PM
To: Dalrymple, Shelly, OSE; david@roblesreal.com; lthompson@troutlaw.com; Chad Wallace; Leininger, Lee (ENRD); Allison, Seth (ENRD); Macfarlane, Stephen (ENRD); james.dubois@usdoj.gov; Coleman, Judith (ENRD)
Cc: Theresa Barfield; Stuart Somach; Yolanda De la Cruz; Rena Wade
Subject: [EXT] TX v NM: Discussion re ESI Search Term and Collection Protocol/COR Lists

Please see below, sent on behalf of Counsel for the State of Texas:

Counsel,

As you know, the parties conducted a teleconference today, June 19, 2019 at 1:00 p.m., to discuss ESI Search Term and Collection Protocols and the parties' lists of Custodians of Records (Custodians), circulated Monday, June 14, 2019.

The State of Texas (TX) provides the following memorialization of the issues raised on the call, and provides a preliminary response to questions concerning Texas's disclosed custodians and search term/collection protocol.

ESI Search Terms:

- TX, US, and NM have agreed to use the "consolidated search terms" list, modifying the list only when search syntax/connectors require it based and depending upon software searching capabilities.
- CO has proposed a modified search term list which NM believes is not sufficient to capture all potentially relevant information.
- TX agrees with NM that, although the potentially responsive documents may be overwhelming using terms like Rio Grande Compact, Compact, etc., it is necessary to run these searches and then conduct a secondary review/search to remove irrelevant documents/materials. This is precisely what TX intends to do for searches within e-mail accounts, network servers, etc. A broad search is necessary first, followed by additional searches within the resulting materials to cull the documents and materials to a set likely to be rich in potentially responsive/relevant documents, data, etc.

Technical Questions:

- NM raised the issue that the USBR's protocol indicates that any responsive documents/data will be converted to PDF prior to production which could potentially remove essential metadata. Both NM and TX expressed the need to preserve and provide as much metadata available for USBR's ESI. The US will investigate the issue of metadata extraction with USBR, and will discuss on the next teleconference (or as soon before or thereafter as the information is available).
- NM and the US discussed how searches on network and local hard drives are being run and whether the US will first search natively, i.e., on the workstation, network, etc.

Custodians of Records:

- The parties discussed all respective lists of proposed Custodians. The US inquired as to high level NMISC and NMOSE individuals who were not included in NM's June 14, 2019 submittal.
- TX's understanding is that the list NM provided on June 14, 2019 was not inclusive of Custodians for whom thorough searches have already been conducted/whose records have already been produced.
- TX and the US propose that a full and complete list of all Custodians should be provided by each party, regardless of whether the records have been searched/produced.
- The US and NM indicated there were Custodians which seem to be missing from each of the parties' lists, and the parties agreed to transmit the information today, June 19, 2019.
- TX has reviewed the US's list of possibly "missing" NM Custodians and joins the US in its request that NM evaluate these individuals as possible Custodians.

Original Proposed Search Term (consolidated from all parties)	Proposed term for BOR search	US Comment to Other Parties
2008 /s Operating Agreement or "Operating Agreement"	"Rio Grande" AND "Operating Agreement"	(1) The "2008" search is unnecessary because it will duplicate results from the "Operating Agreement" search. (2) Due to volume of results for US, we propose combining with "Rio Grande" in our search
250 cubic feet per second /cfs	"250 cubic feet per second" OR "250 CFS"	Clarified as two search terms
60,000	60,000	No change
790,000	790,000	No change
57/43	57/43	No change
Above Fort Quitman Variations: Above w/2 Quitman; Above w/2 (Fort or Ft); Above w/2 Ft w/2 Quitman	Quitman	Generalize to Quitman
"Acequia Madre"	"Acequia Madre"	No change
Agricul! and (drought, losses, production, resources, cultivat!)	Agricul! AND (drought OR losses OR production OR resources OR cultivat!)	Clarified commas mean "OR"
Agricultural w/2 drought or Agricul! w/2 drought!	Exclude	The U.S. system cannot do a proximity search; results would be included in results for the query in Row 9
Agricultural w/2 losses or Agricul! w/2 loss!	Exclude	The U.S. system cannot do a proximity search; results would be included in results for the query in Row 9
Agricultural w/2 Production or Agricul! w/2 Produc!	Exclude	The U.S. system cannot do a proximity search; results would be included in results for the query in Row 9
Agricultural w/2 Resources or Agricul! w/2 Resource!	Exclude	The U.S. system cannot do a proximity search; results would be included in results for the query in Row 9
Allocat! /s (water, annual, charge, committee, groundwater, order, project, (surface w/2 water))`	Allocat! AND (water OR annual OR charge OR committee OR groundwater OR order OR project OR "surface water")	Clarified commas mean "OR" and changed proximity search to "surface water"
Allotment (/s order)	Allotment /s order	No change (removed parentheses)
Alluvi!	Alluvi!	No change
American Dam	"American Dam"	No change (added quotation marks)

Article IV (or 4 or four)	("Article IV" OR "Article 4" OR "Article four") AND ("Rio Grande" OR "New Mexico" OR Colorado OR Texas)	Clarified as three search terms and added geographic limitations
Article VII (or 7 or seven)	("Article VII" or "Article 7" or "Article seven") AND ("Rio Grande" OR "New Mexico" OR Colorado OR Texas)	Clarified as three search terms and added geographic limitations
Bank! (/s water) or (/7 water)	(Bank! /s water) AND ("Rio Grande" OR "New Mexico" OR EBID OR "Elephant Butte")	Excluded proximity search and added geographic limiters
Basin	Basin AND "Rio Grande"	Added "Rio Grande"
Balney-Criddle	"Blaney-Criddle"	No change
Bolson	Bolson	No change
Bonita or Bonita w/2 Lateral	Bonita	Excluded proximity search
Caballo /s elevation	Caballo /s elevation	No change
Caballo /s evaporation	Caballo /s evaporation	No change
Caballo /s inflow	Caballo /s inflow	No change
Caballo /s loss	Caballo /s loss	No change
Caballo /s outflow	Caballo /s outflow	No change
Caballo /s Release	Caballo /s Release	No change
Caballo /s Storage	Caballo /s Storage	No change
Caballo w/2 Reservoir	"Caballo Reservoir"	Changed to exact term
Calibrat!	Calibrat! AND ("Rio Grande" OR "Elephant Butte" or Caballo or Mesilla)	Added geographic limiters
Call!	Call! AND ("Rio Grande" OR "Elephant Butte" OR Mesilla OR Rincon OR "New Mexico")	Added geographic limiters
Canal!	Canal! AND ("Rio Grande" OR Leasburg or Percha or Mesilla or "Elephant Butte" or American or "El Paso")	Added geographic limiters
Canal /s flow	(Canal /s flow) AND ("Rio Grande" OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR American OR "El Paso")	Added geographic limiters
Canalization	Canalization	No change
Canutillo	Canutillo	No change
Carriage Loss!	"Carriage Loss" OR "Carriage Losses"	Clarified as two search terms
Carry?over	("Carry over" OR "Carryover") AND ("Elephant Butte" OR "Rio Grande" OR "El Paso")	Combined with query in Row 41 and added geographic limiter
Carryover	Combine with Row 40	Combined into query in Row 40

Carryover w/2 Accounting	"Carryover accounting" AND ("Elephant Butte" OR "Rio Grande" OR "El Paso")	Replaced proximity search with single term and added geographic limiters.
Carryover w/2 Water	"Carryover water" AND ("Elephant Butte" OR "Rio Grande" OR "El Paso")	Replaced proximity search with single term and added geographic limiters.
Casing	Casing AND ("Rio Grande" OR Mesilla or Rincon)	Added geographic limiters
CDR	CDR	No change
Channel /s maintenance, repair	"Rio Grande" AND (channel /s (maintenance OR repair))	Added geographic limiter
CIR	CIR AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Added geographic limiters
Colorado /s credit or Colorado /7 credit	Colorado /s credit	Excluded proximity search
"Colorado Debit" or Colorado w/2 Debit	Colorado /s debit	Excluded proximity search and modified to a same-sentence search consistent with credit search
"Commission Meeting" or Commission w/2 Meeting	"Commission meeting"	Excluded proximity search
Grande +2 Compact	"Grande Compact"	Changed proximity search to single term
Compact %Pecos or Compact % Pecos	(Compact %Pecos) OR (Compact % Pecos)	No change
Compact /s Debit %Pecos	Compact /s Debit % Pecos	No change
Compact Commission	"Compact Commission"	No change (added quotation marks)
Completion	Completion AND ("New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha or Mesilla OR "Elephant Butte" OR "El Paso")	Added geographic limiters
Cone /s depression	(Cone /s depression) AND ("New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha or Mesilla OR "Elephant Butte" OR "El Paso")	Added geographic limiters
Conjunctive Use	"Conjunctive use" AND ("New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha or Mesilla OR "Elephant Butte" OR "El Paso")	Added geographic limiters

Consumptive /s irrigation AND /s requirement AND /s use	(Consumptive /s irrigation AND /s requirement AND /s use) AND ("New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha or Mesilla OR "Elephant Butte" OR "El Paso")	Added geographic limiters
Contract /s "El Paso" AND /s M&I AND /s "Las Cruces" AND /s EBID AND /s EP#1" and /s EPCWID	Contract /s "El Paso" AND /s M&I AND /s "Las Cruces" AND /s EBID AND /s EP#1" and /s EPCWID	No change
Conveyance w/3 loss	(conveyance /s loss) AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Replaced proximity search with single term and added geographic limiters.
Cost	(cost) AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Added geographic limiters, Question: "What is the intent of this search? What costs are we looking for so we can use appropriate search parameters?"
Credit w/3 accrued AND w/3 annual AND w/3 water AND /s Chama	Credit w/3 accrued AND w/3 annual AND w/3 water AND /s Chama	No change
"Credit Water"	"Credit water" AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Added geographic limiter
Crop!	Crop AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Added geographic limiter
Crop w/3 coefficient AND w/3 irrigation AND w/3 requirement AND /s pattern	(Crop /s coefficient AND /s irrigation AND /s requirement AND /s pattern) AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Replaced proximity search with single term and added geographic limiters.

Cropped Acre(s)(age)	("Cropped acre" OR "cropped acreage") AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Clarified as two search terms and added geographic limiters
Cropped Parcel(s)	"Cropped parcel" AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Clarified as single term and added geographic limiters
Cultivated Agricultural	"cultivated agricultural" AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Added geographic limiters
Curve /s D1 AND /s D-1 AND /s D2 AND /s D-2 AND /s D3 AND /s D-3	Curve /s D1 AND /s D-1 AND /s D2 AND /s D-2 AND /s D3 AND /s D-3	No change
D1/D2 Curve	"D1/D2 Curve"	No change
D1/D2 Methodology	"D1/D2 Methodology"	No change
Debit w/3 accrued AND w/3 annual AND w/3 water	Debit /s accrued AND /s annual AND /s water	Changed proximity search to same sentence
Deepening	"deepening" AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Added geographic limiters
Deliver!	Deliver! AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Added geographic limiters
Deliver! /s Elephant Butte AND /s "San Marcial" AND /s Mexico AND /s Border	Deliver! /s Elephant Butte AND /s "San Marcial" AND /s Mexico AND /s Border	No change
Delivery Point	"Delivery point" AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Added geographic limiters

Depletion	Depletion AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Added geographic limiters
Desalination	Desalination AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Added geographic limiters
De-watering	"De-watering" AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Added geographic limiters
Directorate of Public Works	"Directorate of Public Works"	No change
discharge(s)	Discharge AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Added geographic limiters
Distribution	Distribution AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Added geographic limiters
Diversion(s)	Diversion AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Added geographic limiters
Drain(s)	Drain AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Added geographic limiters
Drill!	Drill! AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Added geographic limiters

Drinking	Drinking AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Added geographic limiters
Drought	Drought AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Added geographic limiters
Drought Correction Factor	"Drought correction factor"	No change
Duty of water	"Duty of water" AND ("New Mexico" OR Texas or "Rio Grande" OR Rincon OR Leasburg or Percha or Mesilla OR "Elephant Butte" or "El Paso")	Added geographic limiters
EBID [and aliases]	(1) "EBID" (2) "Elephant Butte Irrigation District" (3) ele! And But! (4) elephant AND irrigation	Reduced to four search queries
EBID /s acre!	EBID /s acre!	No change
EBID /s Alloation	EBID /s Allocation	Corrected to "Allocation"
EBID /s Crop	EBID /s Crop	No change
EBID /s Deliveries	EBID /s Deliveries	No change
EBID /s Drain	EBID /s Drain	No change
EBID /s elevation	EBID /s elevation	No change
EBID /s Flow	EBID /s Flow	No change
EBID w/ Gage	EBID w/ Gage	Construed "w/" as "/s"
EBID /s "Return lows"	EBID /s "return flows"	Corrected to "flows"
EBID /s "Water Accouting"	EBID /s "Water accounting"	Corrected to "accounting"
Effluent	Effluent	No change
El Paso [and aliases]	"El Paso"	Did not include aliases for city name
El Paso /s improvement AND /s use AND /s well AND /s groundwater AND /s contract AND /s pump AND /s Drill	El Paso /s improvement AND /s use AND /s well AND /s groundwater AND /s contract AND /s pump AND /s Drill	No change
El Paso County Groundwater Management Area	"El Paso County Groundwater Management Area"	No change
El Paso County Water Utili! Authority El Paso Water EPWU [and aliases]	"El Paso County Water" OR "El Paso Water" or EPWU	Reduced to three search terms
El Paso County Water Improvement District #1 [and aliases]	(1) "El Paso County Water Improvement District #1" (2) EP#1 (3) EPCW*	Limited to these aliases because others are identified as separate queries below

El Paso County Water Improvement District 1	"El Paso County Water Improvement District 1"	No change
El Paso County Water Improvement District No. 1	"El Paso County Water Improvement District No. 1"	No change
El Paso County Water Improvement District Number 1	"El Paso County Water Improvement District Number 1"	No change
"El Paso County Water Improvement District" /s acre!	"El Paso County Water Improvement District" /s acre!	No change
"El Paso County Water Improvement District" /s Alloation	"El Paso County Water Improvement District" /s Allocation	Corrected to "allocation"
"El Paso County Water Improvement District" /s Crop	"El Paso County Water Improvement District" /s Crop	No change
"El Paso County Water Improvement District" /s Deliveries	"El Paso County Water Improvement District" /s Deliveries	No change
"El Paso County Water Improvement District" /s Diversion	"El Paso County Water Improvement District" /s Diversion	No change
"El Paso County Water Improvement District" /s Drain	"El Paso County Water Improvement District" /s Drain	No change
"El Paso County Water Improvement District" /s Flow	"El Paso County Water Improvement District" /s Flow	No change
"El Paso County Water Improvement District" w/ Gage	"El Paso County Water Improvement District" w/ Gage	No change
"El Paso County Water Improvement District" /s "Return flows"	"El Paso County Water Improvement District" /s "Return flows"	No change
"El Paso County Water Improvement District" /s "Water Accounting"	"El Paso County Water Improvement District" /s "Water Accounting"	Corrected to "accounting"
El Paso Valley	"El Paso Valley"	No change
Elephant Butte Dam	"Elephant Butte Dam"	No change
Elephant Butte Irrigation District	"Elephant Butte Irrigation District"	No change but this is covered by the query in Row 90
"Elephant Butte Irrigation District" /s acre!	"Elephant Butte Irrigation District" /s acre!	No change
"Elephant Butte Irrigation District" /s Alloation	"Elephant Butte Irrigation District" /s Allocation	Corrected to "Allocation"
"Elephant Butte Irrigation District" /s Crop	"Elephant Butte Irrigation District" /s Crop	No change
"Elephant Butte Irrigation District" /s Deliveries	"Elephant Butte Irrigation District" /s Deliveries	No change

"Elephant Butte Irrigation District" /s Diversion	"Elephant Butte Irrigation District" /s Diversion	No change
"Elephant Butte Irrigation District" /s Drain	"Elephant Butte Irrigation District" /s Drain	No change
"Elephant Butte Irrigation District" /s Flow	"Elephant Butte Irrigation District" /s Flow	No change
"Elephant Butte Irrigation District" /s Gage	"Elephant Butte Irrigation District" /s Gage	No change
"Elephant Butte Irrigation District" /s "Return flows"	"Elephant Butte Irrigation District" /s "Return flows"	No change
"Elephant Butte Irrigation District" /s "Water Accouting"	"Elephant Butte Irrigation District" /s "Water Accounting"	Corrected to "accounting"
"Elephant Butte" /s Alloation	"Elephant Butte" /s Allocation	Corrected to "allocation"
"Elephant Butte" /s Carryover % Budget	"Elephant Butte" /s Carryover % Budget	No change
Elephant Butte	"Elephant Butte"	No change
"Elephant Butte" /s Credit	"Elephant Butte" /s Credit	No change
"Elephant Butte" /s Deliveries	"Elephant Butte" /s Deliveries	No change
"Elephant Butte" /s evaporation	"Elephant Butte" /s evaporation	No change
"Elephant Butte" /s inflow	"Elephant Butte" /s inflow	No change
"Elephant Butte" /s outflow	"Elephant Butte" /s outflow	No change
"Elephant Butte" /s Release	"Elephant Butte" /s Release	No change
"Elephant Butte" /s "San Juan Chama"	"Elephant Butte" /s "San Juan Chama"	No change
"Elephant Butte" /s SJC	"Elephant Butte" /s SJC	No change
"Elephant Butte" /s storage	"Elephant Butte" /s storage	No change
"Elephant Butte" /s "Water Accouting"	"Elephant Butte" /s "Water Accounting"	Corrected to "accounting"
Engineer Advisor	Engineer Advisor	No change
"Engineer Advisors" %Pecos	"Engineer Advisors" %Pecos	No change
EP No.1	EP No.1	No change
EP#1	EP#1	No change
EP1	EP1	No change
EP1 /s acre!	EP1 /s acre!	No change
EP1 /s Allocation	EP1 /s Allocation	No change
EP1 /s Crop	EP1 /s Crop	No change
EP1 /s Delieries	EP1 /s Deliveries	Corrected to "Deliveries"
EP1 /s Divrsion	EP1 /s Diversion	Corrected to "Diversion"
EP1 w/sDrain	EP1 w/sDrain	No change
EP1 w/ Flow	EP1 w/ Flow	No change
EP1 w/ Gage	EP1 w/ Gage	No change
EP1 /s "Return lows"	EP1 /s "Return Flows"	Corrected to "Return Flows"
Ep1 /s "Water Accouting"	Ep1 /s "Water Accounting"	Corrected to "Water Accounting"
EPCWID #1	EPCWID #1	No change
EPCWID 1	EPCWID 1	No change
EPCWID No. 1	EPCWID No. 1	No change
EPCWID	EPCWID	No change

EPCWID /s areage	EPCWID /s acreage	Corrected to "acreage"
EPCWID /s Alloation	EPCWID /s Allocation	Corrected to "Allocation"
EPCWID w/ Crop	EPCWID w/ Crop	No change
EPCWID /s Deiver!	EPCWID /s Deliver!	Corrected to "Deliver"
EPCWID /s Diversion	EPCWID /s Diversion	No change
EPCWID /s Drain	EPCWID /s Drain	No change
EPCWID /s Flow	EPCWID /s Flow	No change
EPCWID w/ Gage	EPCWID w/ Gage	No change
EPCWID /s "Return flows"	EPCWID /s "Return flows"	No change
EPCWID /s "Water Accouting"	EPCWID /s "Water Accounting"	Corrected to "Water Accounting"
PCWUA	EPCWUA	Corrected to "EPCWUA"
Equation	Equation AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American	Added Geographic limiters
Evaporation	Evaporation AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American	Added Geographic limiters
Evaporative Losses	Evaporative Losses AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American	Added Geographic limiters
Evapotranspiration	Evapotranspiration AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American	Added Geographic limiters
Extract!	Extract! AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American	Added Geographic limiters
Extraction	Combine with Row 180	Combined with query in Row 180

Farm* w/3 delivery AND /s requirement AND /s efficient /s deliver! /s effic! /s effecien! /s require!	Farm* w/3 delivery AND /s requirement AND /s efficient AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American /s deliver! /s effic! /s effecien! /s require!	Added Geographic limiters
"Far West Texas"	"Far West Texas"	No change
FDR	FDR AND Farm	Added limiter to exclude other acronym references
Flood	Flood AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American	Added Geographic limiters
Flow* /s surface /s rate*	Flow* /s surface /s rate* AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American	Added Geographic limiters
Flowrate(s)	Flowrate(s)	No change
Forest	Forest AND "New Mexico"	Added Geographic limiters
Fort Quitman	combine with line 7	Generalized line 7 so this is not needed
Franklin Canal	Franklin Canal	No change
Fred Hervey Water Reclamation	Fred Hervey Water Reclamation	No change
Gag* Gage and Gaging	Gag* Gage and Gaging	No change
Gaug* Gauge and Gauging	Gaug* Gauge and Gauging	No change
GCD	GCD AND "New Mexico" OR "Texas" OR "Colorado"	Added Geographic limiters

Glover	Glover AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American	Added Geographic limiters
Groundwater Ground w/2 water ground?water /s connect! /s conserv /s "conservation district" /s develop! /s hydrologic* /s development AND /s level* AND /s model* AND /s pump* AND /s surface*	Groundwater AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American	Simplified to Groundwater and Added Geographic limiters (we could not complete the complex query)
Groundwater Conservation District	Groundwater Conservation District	No change
HCCRD /s county /s groundwater	HCCRD /s county /s groundwater	No change
HCCRD#1 /s county /s groundwater	HCCRD#1 /s county /s groundwater	No change
HCCRD1 /s county /s groundwater	HCCRD1 /s county /s groundwater	No change
Head* (s) /s deliver* /s gate*	Head* (s) /s deliver* /s gate* AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American	Added Geographic limiters
Headgate(s)	Headgate(s) AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American	Added Geographic limiters
Hudspeth /s county /s groundwater	Hudspeth /s county /s groundwater	No change
Hudspeth County /s county /s groundwater	Combine with Row 203	redundant
Hudspeth County Conservation and Reclamation District /s county /s groundwater	Hudspeth County Conservation and Reclamation District /s county /s groundwater	No change

Hueco /s Basin /s Bolson /s groundwater /s ground w/2 water /s ground%water /s Mesilla /s water	Hueco /s Basin /s Bolson /s groundwater /s Mesilla /s water OR Hueco /s Basin /s Bolson /s ground w/2 water /s Mesilla /s water	Seperated into two queries
Hueco /s Groundwater	Hueco /s Groundwater	No change
Hueco /s Water	Hueco /s Water	No change
Hueco-Mesilla	Hueco-Mesilla	No change
Hydraulic /s connectivity or conductivity	Hydraulic /s connectivity or conductivity AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo	Added Geographic Limiters
Hydrologic* /s connect* /s drought	Hydrologic* /s connect* /s drought AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo	Added Geographic Limiters
Hydrological Drought	Hydrological Drought AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo	Added Geographic Limiters
In-flow	In-flow AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
"Implementing Contract" /s "El Paso" "Implement* Contract"	"Implementing Contract" /s "El Paso" "Implement* Contract"	No change

Install* (ed)(ation)	Install* (ed)(ation) AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Instream /s flow* /s measur*	Instream /s flow* /s measur* AND "Rio Grande"	Added Geographic Limiters
Instream Flow!	Instream Flow! AND "Rio Grande"	Added Geographic Limiters
Intercept*	Intercept* AND "Rio Grande"	Added Geographic Limiters
"Int* Dam"	"Int* Dam" AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Irrigat* /s acr* /s crop* /s parcel*	Irrigat* /s acr* /s crop* /s parcel* AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Irrigated Acr!	Irrigated Acr! AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Irrigated Parcel!	Irrigated Parcel! AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters

Comparison of Proposed ESI Search Terms

Irrigation /s demand /s method or practice /s efficien! w/use	Irrigation /s demand /s method or practice /s efficien! w/use AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Jonathan W Rogers Water Treatment Plant	Jonathan W Rogers Water Treatment Plant	No change
Juarez	Juarez	No change
Kay Bailey Hutchinson Desalination Plant KBH "KBH Desal* Plant"	Kay Bailey Hutchinson Desalination Plant KBH "KBH Desal* Plant"	No change
KBH Desalination Plant	KBH Desalination Plant	No change
Land Use	Land Use AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Lateral* /s deliver* /s flow	Lateral* /s deliver* /s flow AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Leasburg /s Deliver! Leasburg /s canal /s dam /s deliver* /s diver* /s water	Leasburg	Generalized to Leasburg
Leasburg /s Water	Combine with line 230	combine with a generalized Leasburg

Licens!	Licens! AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Livestock	Livestock AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Log* /s drill* AND /s pump*	Log* /s drill* AND /s pump* AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
"Lower Rio Grande"	"Lower Rio Grande"	No change
MAG	MAG	No change
Maintain* /s river AND /s channel /s canal /s Channel /s River	Maintain* /s river AND /s channel AND Rio Grande /s canal /s Channel /s River	Added Geographic Limiters
Maintenance /s river AND /s channel	Maintenance /s river AND /s channel AND "Rio Grande"	Added Geographic Limiters
"Mass balance"	"Mass balance" AND "Elephant Butte" OR "Caballo" OR "Rio Grande"	Added Geographic Limiters
Mesilla /s Basin /s Bolson /s deliver* /s groundwater /s Hueco /s water	Mesilla	Generalized to Mesilla
Mesilla /s Deliver!	Combine with line 240	combine with a generalized Mesilla
Mesilla /s Groundwater	Combine with line 240	combine with a generalized Mesilla
Mesilla /s Water	Combine with line 240	combine with a generalized Mesilla
Meterologic w/2 Drought	Meteorologic w/2 Drought	Corrected to "Meteorologic"

Meter*	Meter* AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic limiters
Method w/3 accounting Method* /s account*	Method* AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Generalized to Method* and Added Geographic Limiters
(Mexico) %new and /s allocat*, /s deliver*, /s flow, /s gag*, /s groundwater, /s "water accounting"	Exclude	Too Complex and is covered in other searches below
Mexico /s Allocation %New	Mexico /s Allocation %New	No change
Mexico /s Deliver! %New	Mexico /s Deliver! %New	No change
Mexico /s Diversion %New	Mexico /s Diversion %New	No change
Mexico /s Flow %New	Mexico /s Flow %New	No change
Mexico /s Gag! %New	Mexico /s Gag! %New	No change
Mexico /s Groundwater %New	Mexico /s Groundwater %New	No change
Mexico /s "Water Accounting" %New	Mexico /s "Water Accounting" %New	No change
"Middle Rio Grande Conservancy"	"Middle Rio Grande Conservancy"	No change
"Modeled Available Groundwater"	"Modeled Available Groundwater"	No change
MODFLOW	MODFLOW	No change
Monitor* /s drill! /s flow* /s groundwater /s pump! /s surface /s water	Monitor* AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Generalized to Monitor* and Added Geographic Limiters
Municipal /s demand /s supply /s wastewater	Municipal AND "El Paso" OR "Las Cruces" OR "Canutillo"	Generalized to Municipal and Added Geographic Limiters
Municipal Wastewater	Exclude	Covered in proposed line 259
"Native water"	"Native water"	No change

Negotiat! /s compact /s operat!	Negotiat! /s compact /s operat! AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
"Net supply"	"Net supply"	No change
"New Diversion Ratio"	"New Diversion Ratio"	No change
"New Mexico Credit"	"New Mexico Credit"	No change
"New Mexico Debit"	"New Mexico Debit"	No change
New Well	New Well	No change
"Non-allocat!"	"Non-allocat!"	No change
Normal /s annual AND /s release	Normal /s annual AND /s release	No change
Onewater	Onewater	No change
Operating w/3 manual AND w/3 plan Operat! /s agree! /s manual /s plan!	Operating w/3 manual AND w/3 plan AND "Rio Grande" Operat! /s agree! /s manual /s plan!	Added Geographic Limiters
OA /s agree! /s manual /s plan!	OA /s agree! /s manual /s plan! AND "Rio Grande"	Added Geographic Limiters
OA w/2 Manual	Exclude	Included in line 272
Operating Agreement	"Operating Agreement" AND "Rio Grande"	Corrected to "Operating Agreement" and Added Geographic Limiters
"Operating Agreement" w/2 Manual	Exclude	Included in line 275
"Operations Agreement"	"Operations Agreement" AND "Rio Grande"	Added Geographic Limiters
"Operations Agreement" w/2 Manual	Exclude	Included in line 276
Operations w/2 manual	Operations AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters

Order! w/2 release!, w/2 water	Order! w/2 release!, w/2 water AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Otowi	Otowi	No change
out-flow!, out*flow, out w/1 flow	out-flow!, out*flow, out w/1 flow AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Over /s deliver!	Exclude	Included in line 74
"Penman-Monteith"	"Penman-Monteith"	No change
Percha /s deliver!, diver!, water	Percha	Generalize to Percha
Percha /s Water	Exclude	Included in proposed line 283
Permit! /s application!, drill!, pump!, well!	Permit! /s application!, drill!, pump!, well!	No change
Phreatophytes	Phreatophytes	No change
Point /s flow	Point /s flow AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
"Population Growth"	"Population Growth"	No change
Precipitation	Precipitation AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic limiters
"Priority Call*"	"Priority Call*"	No change

<p>Project /s accounting, allocation, allotment, land, release, storage, /3 water, storage, /3 water, /s acre /s account!, /s allocat!, /s deliver!, land!, release!, storage!, water, "Rio Grande" [and aliases]</p>	<p>Project /s accounting AND "Rio Grande", allocationAND "Rio Grande", allotmentAND "Rio Grande", landAND "Rio Grande", releaseAND "Rio Grande", storageAND "Rio Grande", /3 water, storageAND "Rio Grande", /3 waterAND "Rio Grande", /s acre AND "Rio Grande" /s account!, /s allocat!, /s deliver!, land!, release!, storage!, water, "Rio Grande" [and aliases]</p>	<p>Too Complex break out to individual searches and added Geographic limiter</p>
<p>Project Deliver!</p>	<p>Project Deliver! AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo</p>	<p>Added Geographic limiters</p>
<p>Project Water</p>	<p>Project water AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo</p>	<p>Added Geographic limiters</p>
<p>Projection</p>	<p>Projection AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo</p>	<p>Added Geographic limiters</p>
<p>"Public Supply"</p>	<p>"Public Supply" AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo</p>	<p>Added Geographic Limiters</p>

Pump! /s (historical, rate, log, river, Mexico, histor!, rate, log)	Pump! /s (historical, rate, log, river, Mexico, histor!, rate, log) AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
"Purple Pipe" or (purple w/2 pipe)	"Purple Pipe" or (purple w/2 pipe) AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Quitman	Exclude	line 7
Rainfall	Rainfall AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Rangeland	Rangeland AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Recharg! w/2 ((groundwater) or (ground w/2 water)) Rechar* /s groundwater or (ground w/2 water)	rechar* AND Ground AND Water AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	fixed the proximity search issue and added geographic limiters
Rectification	Rectification	No change

<p>"Reclaimed Water" or reclaim! w/2 water</p>	<p>reclaim! AND water AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo</p>	<p>Added Geographic Limiters</p>
<p>Reference w/2 evapotranspir! w/2 equation Reference /3 equation</p>	<p>reference AND equation AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo</p>	<p>fixed the proximity search issue and added geographic limiters</p>
<p>Release /3 calculat!, /3 annual, w/2 actual</p>	<p>Release /3 calculat!, /3 annual, w/2 actual AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo</p>	<p>Added Geographic Limiters</p>
<p>Relinquish! /s (credit, debit, water)</p>	<p>Relinquish! /s (credit, debit, water)</p>	<p>No change</p>
<p>Repayment /s contract!</p>	<p>Repayment /s contract! AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo</p>	<p>Added Geographic Limiters</p>
<p>Replace! /s water</p>	<p>Replace! /s water</p>	<p>No change</p>
<p>Reservoir /s (evap!, storage, release!)</p>	<p>Reservoir /s (evap!, storage, release!) AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo</p>	<p>Added Geographic Limiters</p>

"Return w/2 Flow!"	"Return w/2 Flow!" AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
"Rio Grande" (and variations) and one of the following: alluv*, "american canal extension", compact, "new mexico credit", credit, "credit water", commission, "compact commission", carryover, deliver*, diver*, release*, storage, groundwater, "water account*", upper and texas, oam, pump*, "return flow*", "water avail* model*" "Water Treatment Plant", "Wastewater Treatment Plant", "WTP", "WWTP Excluding: Albuquerque, "New Mexico", ABCWUA	Separate out into separate searches	needs to be split to individual searches this is too complex
"RG OAM"	"RG OAM"	No change
RGCC	RGCC	No change
RGTHIM	RGTHIM	No change
"Rio Grande Compact" (and variations) and New Mexico and Credit	"Rio Grande Compact" (and variations) and New Mexico and Credit	No change
"Rio Grande Project" /s Allocation % Middle	"Rio Grande Project" /s Allocation % Middle	No change
"Rio Grande Project" /s carryover % Budget	"Rio Grande Project" /s carryover % Budget	No change
"Rio Grande Project" /s deliver! % Middle	"Rio Grande Project" /s deliver! % Middle	No change
"Rio Grande Project" /s diversion! % Middle	"Rio Grande Project" /s diversion! % Middle	No change
"Rio Grande Project" /s release! % Middle	"Rio Grande Project" /s release! % Middle	No change
"Rio Grande Project" /s storage % Middle	"Rio Grande Project" /s storage % Middle	No change
"Rio Grande Project" /s "water w/2 account!" % Middle	Rio Grande and Water and Account! % middle	change to a query that would run
Rio Grande" /s (groundwater or ground w/2 water) % Middle	Rio Grande and Ground and Water % middle	change to a query that would run

"Rio Grande" /s Model % (Middle or Upper)	"Rio Grande" /s Model % (Middle or Upper)	No change
"Rio Grande" /s OAM	"Rio Grande" /s OAM	No change
"Rio Grande /s Pumping % Middle	"Rio Grande /s Pumping % Middle	No change
"Rio Grande /s "Return flows" % Middle	"Rio Grande /s "Return flows" % Middle	No change
"Rio Grande" /s "Water Treatment Plant" %	"Rio Grande" /s "Water Treatment Plant" % AND "New Mexico" OR Texas OR "El Paso"	Added Geographic Limiters
"Rio Grande" /s WTP % Albuquerque "Rio Grande" % New w/2 Mexico "Rio Grande" % (Albuquerque or New Mexico) "Rio Grande" % ABCWUA	"Rio Grande" /s WTP % Albuquerque "Rio Grande" % New w/2 Mexico "Rio Grande" % (Albuquerque or New Mexico) "Rio Grande" % ABCWUA	No change
"Rio Grande" /s WWTP % Albuquerque "Rio Grande" % New w/2 Mexico "Rio Grande" % (Albuquerque or New Mexico) "Rio Grande" % ABCWUA	"Rio Grande" /s WWTP % Albuquerque "Rio Grande" % New w/2 Mexico "Rio Grande" % (Albuquerque or New Mexico) "Rio Grande" % ABCWUA	No change
"Rio Grande" /s Water Availability Model or "Rio Grande" /s WAM	"Rio Grande" /s Water Availability Model or "Rio Grande" /s WAM	No change
River /s drought	River /s drought AND "Rio Grande"	No change
"Riverside Canal" Riverside w/2 Canal	"Riverside Canal" Riverside w/2 Canal	No change
"Riverside Dam" Riverside w/2 Dam	"Riverside Dam" Riverside w/2 Dam	No change
Riverware or River w/1 ware	Riverware or River w/1 ware AND "Rio Grande"	Added Geographic Limiters
"Run 3" or Run /s 3 or (Run w/2 3)	"Run 3" or Run /s 3 or (Run w/2 3)	No change
Run off	"Run off" AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters

Runoff	Runoff AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic limiters
Run-off	Run-off AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic limiters
run*off	run *off AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic limiters
Salinity	Salinity AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic limiters
San Juan Chama /s water	San Juan Chama /s water	no change
"San Marcial" San w/2 Marcial	"San Marcial" San w/2 Marcial	no change
SDR	SDR AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic limiters
Sediment! /s (reservoir!, canal!, channel!)	Sediment! /s (reservoir!, canal!, channel!) AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters

Seep!	Seep! AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
SJC /s water	SJC /s water	No change
SJCC /s water	SJCC /s water	No change
"Soil Sampl!"	"Soil Sampl!" AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Soil w/2 Sampl!	Soil w/2 Sampl!	No change
"Specific yield"	"specific yield" AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Spill! /s reservoir /s EBID [and aliases]	Spill! AND reservoi AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	fixed the proximity search issue and added geographic limiters
"Spillway Elevation"	Exclude	included in 355
Spillway w/2 Elevation	Spillway AND Elevation AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	fixed the proximity search issue and added geographic limiters

Spill! w/2 Elevation	Spill! AND Elevation AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	fixed the proximity search issue and added geographic limiters
Submit! w/1 Drill!	Submit! w/1 Drill! AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Submit! w/2 Report	Submit! w/2 Report AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Submitted Drillers Report	Submitted Drillers Report	No change
Suppl! and (water or surface or groundwater)	Suppl! AND water OR Surface AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	excluded groundwater because included in water and Added Geographic Limiters
TDS	TDS AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
"3rd Party" /s "El Paso" [and aliases]	"3rd Party" /s "El Paso" [and aliases]	No change
"Third Party" /s "El Paso" [and aliases]	"Third Party" /s "El Paso" [and aliases]	No change
"Third Party Contract" /s "El Paso" [and aliases]	"Third Party Contract" /s "El Paso" [and aliases]	No change
Third w/2 Party /s "El Paso" [and aliases]	Third w/2 Party /s "El Paso" [and aliases]	No change

Texas Well Report Submission and Retrieval System	Texas Well Report Submission and Retrieval System	No change
Transmissivity	Transmissivity AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Transit /s loss	Transit /s loss AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Treaty	Treaty AND Mexico	Added Geographic Limiters
TWRSRS	TWRSRS	No change
Untreated	Untreated AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
"Upper Rio Grande" [and aliases]	Exclude	included in 373
Upper w/2 "Rio Grande" [and aliases]	Upper AND "Rio Gr!"	edited for aliases
Urban	urban AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
"Useable Water"	Exclude	included in 376

Usuable w/2 Water	Useable AND Water AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Corrected to "useable" and added Geographic Limiters
Value	Value AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
WAM	WAM AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	added Geographic Limiters
Warren Act	"Warren Act" AND "El Paso or Hudspeth"	Added Geographic Limiters
Waste! And (water or treat! or way!)	Waste! AND Water OR Treat! OR Way! AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	fixed the proximity search issue and added geographic limiters
Wasteway(s)	Exclude	Included in 380
"Water Availability Model"	Exclude	Included in 383
Water w/1 Avail! (w/2 Model)	Water AND Avail! AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	fixed the proximity search issue and added geographic limiters
"Water Credit"	Exclude	included in 385

Water w/2 Credit	Water AND Credit AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	fixed the proximity search issue and added geographic limiters
Water Debit	Exclude	Included in 387
Water w/2 Debit	Water AND Debit AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	fixed the proximity search issue and added geographic limiters
"Water Demand"	Exclude	Included in 392
Water w/2 Demand	Exclude	Included in 392
"Water Demand Forecast"	Exclude	Included in 391 and 392
Water w/2 Forecast	Water AND Forecast AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	fixed the proximity search issue and added geographic limiters
Water w/1 Demand (w/2 Forecast)	Water AND Demand AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	fixed the proximity search issue and added geographic limiters
"Water elevation"	Exclude	Included in 394
Water w/2 elevation	Water AND Elevation AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	fixed the proximity search issue and added geographic limiters
Water level measur!	Exclude	Included in 396 and 397

Water w/2 measur!	Water and Measur! AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	fixed the proximity search issue and added geographic limiters
Water w/1 level (w/2 measur!)	Water AND Level AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	fixed the proximity search issue and added geographic limiters
Water rights or "Water right**"	Exclude	included in 399
Water w/2 right*	Water AND right! AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	fixed the proximity search issue and added geographic limiters
"Water Supply Forecast"	Exclude	Included in 407 and 401
Water w/2 Forecast	Water AND Forecast AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	fixed the proximity search issue and added geographic limiters
Water w/1 Supply (w/2 Forecast)	Exclude	Included in 407 and 404
"Water Supply Planning"	Exclude	Included in 407 and 404
Water w/2 Plan!	Water AND Plan AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	fixed the proximity search issue and added geographic limiters
Water w/1 Suppl! (w/2 Planning)	Exclude	Included in 407
Water Suppl!	Exclude	Included in 407

Water w/2 suppl!	Water AND Suppl! AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	fixed the proximity search issue and added geographic limiters
"Water table"	Exclude	Included in 409
Water w/2 table*	Water AND Table AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	fixed the proximity search issue and added geographic limiters
"Water User"	"Water Use!" AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	modified and added geographic limiters
Water w/2 (Use!)	Exclude	Included in 410
"Water User Group" or Water w/2 Group or Water /s user and /s group	Exclude	Included in 410
Waterway*	Waterway* AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters
Well* and the following: drill!, log!, use!, supplemen!, replac!, domestic!, report!, pump!	Well* AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Simplify to Well* and added geographic limiters
Well and Report!	Well and Report! AND "Rio Grande" or Mesilla or Rincon or Hueco or Canutillo	Added Geographic Limiters
Wetlands	Wetlands AND "Rio Grande"	Added Geographic Limiters

Comparison of Proposed ESI Search Terms

WUG	WUG	No change
Withdrawal	Withdrawal	No change
Yield*	Yield* AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo	Added Geographic Limiters

From: [Dalrymple, Shelly, OSE](#)
To: [Leininger, Lee \(ENRD\)](#); [Chad Wallace](#); [Theresa Barfield](#); [David Roman](#); [Lisa Thompson](#); [Macfarlane, Stephen \(ENRD\)](#); [Dubois, James \(ENRD\)](#); [Coleman, Judith \(ENRD\)](#); [Michael Kopp](#)
Cc: [Christina Gams, Allison Gath \(ENRD\)](#); [Dalrymple, Shelly, OSE](#)
Subject: RE: TX v. NM: Bi-Weekly Discovery Calls
Date: Monday, November 18, 2019 10:28:00 AM
Attachments: [image001.png](#)
[TXvNM search terms 1st.docx](#)
[TXvNM search terms 2nd.docx](#)

Colleagues:

I will be prepared to discuss this on Friday, but I wanted to give you my viewpoint in advance for your consideration.

It was my understanding that we reached the "final" search term list with the understanding that if we had to deal with anomalies we would do so as we analyzed our hit results and adjust, in good faith, as necessary. The goal being to get out the documents pursuant to our agreements as quickly as possible. New Mexico has made many adjustments to the search terms based on problems we have run into. For example:

1. Our technology sees "new" as a blank word (like "the" or "of") so we didn't use it but simply the term "Mexico", which drew up New Mexico and Mexico documents.
 - a. Same problem for the term "new well"; we are pulling "well" and applying "new" as a document reviewer search term. You can imagine how many documents we are having to deal with based on this issue.
2. My search term list, and the original, has "Groundwater Conservation District"; however, the only use of the term "conserve!" I see in the list provided by the U.S. is "Middle Rio Grande Conservancy" (which in any event I thought was a "do not include" term). John Longworth and other agency custodians have at various times been part of the "Water Use and Conservation Bureau", and "conserve!") was pulling thousands of documents based on their signature line. We wired around that.
3. We also combined some searches where the pull was showing redundancies that could be eliminated by combinations (without losing any of the documents pulled by separate searches).

Those are just a few examples out of many decisions we made. With the modifications we made, none impacting the intended "pull" by the parties, we will still have over 450,00 documents, which we are producing on a rolling basis and consider it imperative to get them to you as quickly as possible. We, in turn, need the other parties' documents as quickly as possible.

If I have to go over the U.S.'s search term list as supplied by Lee, compare it line by line to the original list and then the list New Mexico is using, I will have to do so after the depositions of the New Mexico's experts are completed, and I'm sure you are all running into the same time and resource constraints.

What I had understood previously, and may have been mistaken, is that we would do what we needed to do within the confines of our (ethical) obligations to the parties and in light of our agreements, to pull the documents as quickly as possible and deal with the anomalies after the fact. I look forward to discussing if this meets with your recollection and what else we can do to make this massive undertaking as painless (!) as possible.

For your review, I have attached the 2-stage search term list New Mexico is using.

Many thanks, and have a good week.

EXHIBIT

F

Shelly

Shelly L. Dalrymple
NM Interstate Stream Commission

From: Leininger, Lee (ENRD)

Sent: Thursday, November 14, 2019 11:36 AM

To: Chad Wallace <Chad.Wallace@coag.gov>; Theresa Barfield <tbarfield@somachlaw.com>; David Roman <droman@roblesrael.com>; Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>; Lisa Thompson <lthompson@troutlaw.com>; Macfarlane, Stephen (ENRD) <Stephen.Macfarlane@usdoj.gov>; Dubois, James (ENRD) <James.Dubois@usdoj.gov>; Coleman, Judith (ENRD) <Judith.Coleman@usdoj.gov>

Cc: Christina Garro <cgarro@somachlaw.com>; Allison, Seth (ENRD) <Seth.Allison@usdoj.gov>

Subject: [EXT] RE: TX v. NM: Bi-Weekly Discovery Calls

Nov. 22 is fine with me. We would also like to discuss the attached modification to the search term list. Our use of the prior list yielded an inordinate number of non-responsive documents. We carefully re-examined the list and believe we have uncovered all (or nearly all) of the problem syntax and broad terms. The attached has corrected these problems and is what we propose to use in the future to complete our ESI search. We would like to know if you have any objections.

Lee

From: Chad Wallace <Chad.Wallace@coag.gov>

Sent: Thursday, November 14, 2019 8:02 AM

To: Theresa Barfield <tbarfield@somachlaw.com>; David Roman <droman@roblesrael.com>; Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>; Lisa Thompson <lthompson@troutlaw.com>; Macfarlane, Stephen (ENRD) <SMacfarlan@ENRD.USDOJ.GOV>; Leininger, Lee (ENRD) <LLeining@ENRD.USDOJ.GOV>; Dubois, James (ENRD) <JDubois@ENRD.USDOJ.GOV>; Coleman, Judith (ENRD) <JColeman3@ENRD.USDOJ.GOV>

Cc: Christina Garro <cgarro@somachlaw.com>; Allison, Seth (ENRD) <SAllison@ENRD.USDOJ.GOV>

Subject: RE: TX v. NM: Bi-Weekly Discovery Calls

Theresa,

A call on the 22nd works for me. However, I cannot make depositions on the 25th or 26th.
Regards,

Chad M. Wallace
Senior Assistant Attorney General
Colorado Department of Law
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 10th Floor
Denver, Colorado 80203
(720) 508-6000 (Main)

From: Leininger, Lee (ENRD) <Lee.Leininger@usdoj.gov>
Sent: Wednesday, March 18, 2020 11:50 AM
To: Theresa Barfield <tbarfield@somachlaw.com>; David <droman@roblesrael.com>; Michael Kopp <Mkopp@troutlaw.com>; Dubois, James (ENRD) <James.Dubois@usdoj.gov>; chad.wallace@coag.gov
Cc: Christina Garro <cgarro@somachlaw.com>
Subject: RE: No. 141, Original: State of New Mexico's Notices of 8th and 9th Supplemental ESI Productions

Theresa – Having received large numbers of documents from our search of BOR and IBWC databases, we are finally nearing the end of the production of Reclamation ESI. Thus far, we have produced 68,318 of documents from Reclamation’s files. This includes 42,209 documents originally produced after discovery was initiated, and 26,209 documents produced as a result of the ESI search. We currently have 18,670 ESI docs ready to be produced and they should go out the door this week. We still have approximately 10,500 ESI documents under review and we should complete the review and final production of the BOR documents by the 31st. In addition, we have produced 15,848 documents from our initial search of IBWC files. The production of ESI from IBWC will take longer. We do not have a target date for IBWC ESI final production, but we will be rolling out those documents as our batch reviews are completed. Lee

From: Theresa Barfield <tbarfield@somachlaw.com>
Sent: Tuesday, March 17, 2020 11:42 AM
To: David Roman <droman@roblesrael.com>; mkopp@troutlaw.com; Dubois, James (ENRD) <JDubois@ENRD.USDOJ.GOV>; Leininger, Lee (ENRD) <LLeining@ENRD.USDOJ.GOV>; chad.wallace@coag.gov
Cc: Christina Garro <cgarro@somachlaw.com>

Subject: RE: No. 141, Original: State of New Mexico's Notices of 8th and 9th Supplemental ESI Productions
Importance: High

Hi everyone,

I still have not received a response from anyone regarding the status of completion of these productions. Please advise. I would like to know exactly where we are at *prior to* the teleconference with the special master this week.

Thank you.
Theresa

From: Theresa Barfield
Sent: Monday, March 9, 2020 3:08 PM
To: David Roman <droman@roblesrael.com>; mkopp@troutlaw.com; Dubois, James (ENRD) <James.Dubois@usdoj.gov>; lee.leininger@usdoj.gov; chad.wallace@coag.gov
Cc: Christina Garro <cgarro@somachlaw.com>
Subject: FW: No. 141, Original: State of New Mexico's Notices of 8th and 9th Supplemental ESI Productions

Hi everyone,

We have not had a call this past month to exchange updates on these productions. Can you all please let me know where you are at? The last update I recall was that all ESI productions would be complete by the end of February. If any of you have additional productions to make, can you please let me know the anticipated time frame?

Thanks!
Theresa

From: Michael Kopp <Mkopp@troutlaw.com>
Sent: Monday, March 9, 2020 3:05 PM
To: David <droman@roblesrael.com>; 'chelsea@roblesrael.com' <chelsea@roblesrael.com>; 'hbalderas@nmag.gov' <hbalderas@nmag.gov>; 'tmaestas@nmag.gov' <tmaestas@nmag.gov>; 'psalazar@nmag.gov' <psalazar@nmag.gov>; 'marcus@roblesrael.com' <marcus@roblesrael.com>; Bennett Raley <BRaley@troutlaw.com>; Lisa Thompson <lthompson@troutlaw.com>; Michael Kopp <Mkopp@troutlaw.com>; Shelly <Shelly.dalrymple@state.nm.us>; 'chad.wallace@coag.gov' <chad.wallace@coag.gov>; 'nan.edwards@coag.gov' <nan.edwards@coag.gov>; 'karen.kwon@coag.gov' <karen.kwon@coag.gov>; 'eric.olson@coag.gov' <eric.olson@coag.gov>; 'supremectbriefs@usdoj.gov' <supremectbriefs@usdoj.gov>; 'lee.leininger@usdoj.gov' <lee.leininger@usdoj.gov>; 'james.dubois@usdoj.gov' <james.dubois@usdoj.gov>; 'thomas.snodgrass@usdoj.gov' <thomas.snodgrass@usdoj.gov>; 'david.gehlert@usdoj.gov' <david.gehlert@usdoj.gov>; 'seth.allison@usdoj.gov' <seth.allison@usdoj.gov>; 'stephen.macfarlane@usdoj.gov' <stephen.macfarlane@usdoj.gov>; 'judith.coleman@usdoj.gov' <judith.coleman@usdoj.gov>; 'john.tustin@usdoj.gov' <john.tustin@usdoj.gov>; 'jfststein@newmexicowaterlaw.com' <jfststein@newmexicowaterlaw.com>; 'jcbrockmann@newmexicowaterlaw.com' <jcbrockmann@newmexicowaterlaw.com>; 'administrator@newmexicowaterlaw.com' <administrator@newmexicowaterlaw.com>; 'pauh@abcwua.org' <pauh@abcwua.org>; 'dcaroom@bickerstaff.com' <dcaroom@bickerstaff.com>; 'smaxwell@bickerstaff.com' <smaxwell@bickerstaff.com>; 'mobrien@modrall.com' <mobrien@modrall.com>; 'sarah.stevenson@modrall.com' <sarah.stevenson@modrall.com>; 'shannong@modrall.com' <shannong@modrall.com>; 'lamaih@modrall.com' <lamaih@modrall.com>; 'rhicks@renea-hicks.com' <rhicks@renea-hicks.com>; 'dmiller@kempsmith.com' <dmiller@kempsmith.com>; 'samantha@h2o-legal.com' <samantha@h2o-legal.com>; 'janet@h2o-legal.com' <janet@h2o-legal.com>; 'jvega-brown@las-cruces.org'

<jvega-brown@las-cruces.org>; 'marcyd@las-cruces.org' <marcyd@las-cruces.org>; 'john@uttonkery.com' <john@uttonkery.com>; 'gencounsel@nmsu.edu' <gencounsel@nmsu.edu>; 'ttd@tessadavidson.com' <ttd@tessadavidson.com>; 'jo@tessadavidson.com' <jo@tessadavidson.com>; 'toby.crouse@ag.ks.gov' <toby.crouse@ag.ks.gov>; 'bryan.clark@ag.ks.gov' <bryan.clark@ag.ks.gov>; Stuart Somach <ssomach@somachlaw.com>; Andy Hitchings <ahitchings@somachlaw.com>; Bob Hoffman <rhoffman@somachlaw.com>; Mac Goldsberry <mgoldsberry@somachlaw.com>; Theresa Barfield <tbarfield@somachlaw.com>; Sarah Klahn <sklahn@somachlaw.com>; Brittany Johnson <bjohnson@somachlaw.com>; Rhonda Stephenson <rstephenson@somachlaw.com>; Yolanda De la Cruz <ydelacruz@somachlaw.com>; Christina Garro <cgarro@somachlaw.com>

Subject: No. 141, Original: State of New Mexico's Notices of 8th and 9th Supplemental ESI Productions

Good afternoon,

Attached, please find the State of New Mexico's Notices of its 8th and 9th Supplemental ESI Productions.

Regards,

Michael A. Kopp



1120 Lincoln Street, Suite 1600
Denver, Colorado 80203
tel: (303) 861-1963
direct: (303) 339-5828
fax: (303) 832-4465
email: mkopp@troutlaw.com

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From: [Dalrymple, Shelly, OSE](#)
To: [Theresa Barfield](#); [Dubois, James \(ENRD\)](#); [Chad Wallace](#)
Cc: [Dalrymple, Shelly, OSE](#)
Subject: TX v NM: Proposed schedule for New Mexico-requested depositions
Date: Thursday, May 14, 2020 4:19:00 PM
Attachments: [NM Deposition requests 200514.xlsx](#)
[image003.png](#)

Counsel,

New Mexico looks forward to working with you to set up deposition dates for the witnesses identified on the attached matrix. Please note there are a few other potential deponents we may be reaching out to directly, as well as some Rule 30(b)6 witnesses we will discuss with you when we have the notices prepared.

Many thanks,
Shelly

Shelly L. Dalrymple
New Mexico Interstate Stream Commission
Office of the General Counsel
Direct: 505.827.3897



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EXHIBIT

H

<u>Witness</u>	<u>Party Representing Deponent</u>	<u>Preferred Date</u>	<u>Available?</u>
Mike Sullivan	Colorado	June 23 (1 day)	
Gary Esslinger	EBID	We believe Ms. Barncastle will be available by August 17-18 (2 days)	
James Salopek (continued per agreement)	EBID	We believe Ms. Barncastle will be available by August 24 (1 day)	
Jesus Reyes (continued per agreement)	EPCWID	June 29 (1 day)	
Edd Fifer	EPCWID	June 30 (1 day)	
Art Ivey (continued per agreement)	EPCWID	July 7 (1 day)	
Pat Gordon	Texas	Week of July 20 (3 days)	
Herman Settemeyer	Texas	Aug 3-4 (2 days)	
Curtis Seaton	Texas	August 5 (1 day)	
Filiberto (Bert) Cortez	United States	July 29-31 (3 days)	
Carolyn Donnelly	United States	Week of August 3 (1 day)	
Ed Drusina	United States	Week of August 3 (1 day)	
Wayne Treers	United States	June 25-26 (2 days)	

Dalrymple, Shelly, OSE

From: Dalrymple, Shelly, OSE
Sent: Saturday, June 27, 2020 12:31 PM
To: Leininger, Lee (ENRD)
Cc: Dubois, James (ENRD); Dalrymple, Shelly, OSE; April J. Ferguson
Subject: RE: TX v NM: ESI discussion

Lee:

This is my understanding as to where we stand on the referenced issue; please correct me if I have misunderstood or misstated anything:

1. On June 23 I provided the US with what I thought was the last all-parties-agreed search term list (from approximately July 2019), in which I identified the search terms New Mexico needs for our case, cutting down the list by approximately one-half. You agreed to review it and have a substantive discussion about it on June 26, and further would advise me before the 26th if you saw any immediate problems with the New Mexico position.
2. On June 26 you told me that I had not, in fact, used the most recent US list, and you and your team were in the process of comparing the correct list with my marked-up list. You were not prepared to discuss the substance of the issue. We discussed that even if New Mexico ultimately agreed to your June 2 revised list, any documents returned would be pulled only from the "massive pull" generated from the agreed search term list, and that therefore any such production would necessarily be incomplete in some respects.
3. The US committed to providing its comments to the New Mexico-requested searches in spreadsheet form by COB Monday, June 29. I believe you intend that we discuss the relative burden to the US to conduct the searches and review the resulting documents to the value to New Mexico of having those searches conducted.
4. I am willing to have this discussion with the continued understanding that if the US does not produce a meaningfully-culled group of responsive documents by July 15, New Mexico's ability to conduct necessary review of the production and move forward on several of its discovery and trial-preparation initiatives will be significantly impacted.

Given the above, and the severe time crunch we are all under, I suggest another meet and confer on this issue following the deposition of Rolf Schmidt-Petersen on Tuesday, June 30; let me know if that works for you and your team.

Many thanks.

Shelly L. Dalrymple **NM Interstate Stream Commission**

From: Leininger, Lee (ENRD)
Sent: Tuesday, June 2, 2020 5:23 PM
To: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>; Theresa Barfield <tbarfield@somachlaw.com>; chad.wallace@coag.gov
Cc: Dubois, James (ENRD) <James.Dubois@usdoj.gov>
Subject: [EXT] RE: TX v NM: ESI discussion

Shelly and Theresa – We have run into a production problem with the International Boundary Waters Commission (IBWC) electronically stored information (ESI). Recall that we expanded the list of IBWC custodians from the list we originally presented (and the parties agreed to) last year. When we ran the ESI spreadsheet's 372 separate search term combinations against the expanded IBWC custodians database, the search returned hundreds of thousands of documents (486,042). A review of the documents showed the vast majority are non-

responsive. We then consulted with IBWC counsel and custodians to improve and limit the search identifiers with a concentration on this subject matter:

- 1.. Documents on Rio Grande channel maintenance.
2. Documents on Mexico's use of Project/treaty water.
3. Documents on Mexico groundwater pumping within the Mesilla basin or the Hueco Bolson.
4. Any discussion of the 2008 OA.

With help from IBWC custodians and counsel we generated this new list of search terms likely to return relevant documents:

Name
Illicit AND coffer
Illicit w/20 diver*
Illicit w/20 (diver* AND water)
Mexic* w/20 illicit
Illicit w/20 report~
Illicit w/20 Juarez
Illicit w/20 El Paso
Coffer w/20 dam
Coffer w/20 diver*
Sediment AND dredg~
Sediment w/20 dredg~
Dredg* w/20 canalization
Dredg* w/20 rectification
Sediment w/20 canalization
Sediment w/20 rectification
Sediment w/20 "New Mexico"
Sediment w/20 "El Paso"
Plug w/20 (remov~ AND rectification)
Plug w/20 (remov~ AND canalization)
Sediment w/20 (remov~ w/20 canalization)
Sediment w/20 (remov~ w/20 rectification)
Sediment AND plug
Sediment AND remov~
Island AND dredg~
Island AND remov~
Transboundary AND aquifer
2008 w/20 "OA"
2008 w/20 (operating w/5 agreement)
EBID w/20 "OA"
EP1 w/20 "OA"

In addition, we ran the list for these custodians (please note that the IBWC official that New Mexico has requested to depose, Mr. Drucina, is on this list):

LIST OF CUSTODIANS

Drusina, Ed
Finn, Williams
Riera, Alfredo
Spencer, Sally

This new search has still generated tens of thousands of documents which we are reviewing and will be producing soon. Let's add this topic to our scheduled ESI call tomorrow and please let us know if you have any objections to the more focused procedure we have adopted and implemented. Thanks Lee

-----Original Appointment-----

From: Leininger, Lee (ENRD)

Sent: Tuesday, June 2, 2020 5:16 PM

To: Dalrymple, Shelly, OSE

Subject: Accepted: TX v NM: ESI discussion

When: Wednesday, June 3, 2020 10:30 AM-12:00 PM (UTC-07:00) Mountain Time (US & Canada).

Where: 800 747 5150 PIN 670 7610

Dalrymple, Shelly, OSE

From: Leininger, Lee (ENRD) <Lee.Leininger@usdoj.gov>
Sent: Wednesday, July 1, 2020 5:14 PM
To: Dalrymple, Shelly, OSE
Cc: Dubois, James (ENRD); April J. Ferguson; Gibson, Wade (ENRD)
Subject: [EXT] RE: TX v NM: ESI discussion
Attachments: TX NM 7-01-20 proposed search term list.xlsx

Shelly – Attached is our review of the list of search terms you provided for the production of IBWC ESI. We appreciate your willingness to reduce the original search term spreadsheet after our discussion on the vast number of documents the original search list generated. Your list (reduced from the June 2019 list) is in Column B. Our November 2019 correction to that list is in Column C.

Column A shows our proposed further modification. We have combined many of the search lines into consolidated search lines (see the red text) that will generate the same results but be easier to run. The yellow highlighted lines are problematic. These are generating large hits that our preliminary review shows include large numbers of non-responsive documents. For example, the stand alone term “El Paso” generated 158,000 hits. We propose eliminating these search-busters because, to continue this example, other lines include El Paso combined with relevant terms and limiters that should produce the responsive documents. Please let us know if our proposed modification is acceptable to New Mexico. Thanks Lee

From: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>
Sent: Tuesday, June 30, 2020 12:17 PM
To: Leininger, Lee (ENRD) <LLeining@ENRD.USDOJ.GOV>
Cc: Dubois, James (ENRD) <JDubois@ENRD.USDOJ.GOV>; April J. Ferguson <aferguson@opveon.com>; Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>
Subject: RE: TX v NM: ESI discussion

Lee:

Could you kindly advise when you will provide the document described below?

Many thanks.

Shelly L. Dalrymple **NM Interstate Stream Commission**

From: Dalrymple, Shelly, OSE
Sent: Saturday, June 27, 2020 12:31 PM
To: Leininger, Lee (ENRD) <Lee.Leininger@usdoj.gov>
Cc: Dubois, James (ENRD) <James.Dubois@usdoj.gov>; Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>; April J. Ferguson <aferguson@opveon.com>
Subject: RE: TX v NM: ESI discussion

Lee:

This is my understanding as to where we stand on the referenced issue; please correct me if I have misunderstood or misstated anything:

1. On June 23 I provided the US with what I thought was the last all-parties-agreed search term list (from approximately July 2019), in which I identified the search terms New Mexico needs for our case, cutting

down the list by approximately one-half. You agreed to review it and have a substantive discussion about it on June 26, and further would advise me before the 26th if you saw any immediate problems with the New Mexico position.

2. On June 26 you told me that I had not, in fact, used the most recent US list, and you and your team were in the process of comparing the correct list with my marked-up list. You were not prepared to discuss the substance of the issue. We discussed that even if New Mexico ultimately agreed to your June 2 revised list, any documents returned would be pulled only from the “massive pull” generated from the agreed search term list, and that therefore any such production would necessarily be incomplete in some respects.
3. The US committed to providing its comments to the New Mexico-requested searches in spreadsheet form by COB Monday, June 29. I believe you intend that we discuss the relative burden to the US to conduct the searches and review the resulting documents to the value to New Mexico of having those searches conducted.

4. I am willing to have this discussion with the continued understanding that if the US does not produce a meaningfully-culled group of responsive documents by July 15, New Mexico’s ability to conduct necessary review of the production and move forward on several of its discovery and trial-preparation initiatives will be significantly impacted.

Given the above, and the severe time crunch we are all under, I suggest another meet and confer on this issue following the deposition of Rolf Schmidt-Petersen on Tuesday, June 30; let me know if that works for you and your team.

Many thanks.

Shelly L. Dalrymple
NM Interstate Stream Commission

From: Leininger, Lee (ENRD)

Sent: Tuesday, June 2, 2020 5:23 PM

To: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>; Theresa Barfield <tbarfield@somachlaw.com>; chad.wallace@coag.gov

Cc: Dubois, James (ENRD) <James.Dubois@usdoj.gov>

Subject: [EXT] RE: TX v NM: ESI discussion

Shelly and Theresa – We have run into a production problem with the International Boundary Waters Commission (IBWC) electronically stored information (ESI). Recall that we expanded the list of IBWC custodians from the list we originally presented (and the parties agreed to) last year. When we ran the ESI spreadsheet’s 372 separate search term combinations against the expanded IBWC custodians database, the search returned hundreds of thousands of documents (486,042). A review of the documents showed the vast majority are non-responsive. We then consulted with IBWC counsel and custodians to improve and limit the search identifiers with a concentration on this subject matter:

- 1.. Documents on Rio Grande channel maintenance.
2. Documents on Mexico’s use of Project/treaty water.
3. Documents on Mexico groundwater pumping within the Mesilla basin or the Hueco Bolson.
4. Any discussion of the 2008 OA.

With help from IBWC custodians and counsel we generated this new list of search terms likely to return relevant documents:

"El Paso" OR EP* OR District w/10 (use OR well OR groundwater OR contract OR pump OR drill OR acre* OR allo* OR crop OR deliver* OR diver* OR drain OR flow OR gage OR "return flow" OR "water accounting")	"El Paso" w/10 (use OR well OR groundwater OR contract OR pump OR drill OR acre* OR allocation OR crop OR deliveries OR diversion OR drain OR flow OR gage OR "return flows" OR "water accounting")	"El Paso County Water Improvement District" /s acre!	"El Paso County Water Improvement District" /s acre!
allot*	Allotment w/10 order	Allotment (/s order)	Allotment /s order
(Canal* AND "Rio Grande" OR Project	Canal w/10 flow AND ("Rio Grande" OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR American OR "El Paso")	Canal /s flow	(Canal /s flow) AND ("Rio Grande" OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR American OR "El Paso")
over w/5 deliver*	EXCLUDED FROM ORIG	Not in original	Not included
Release AND ((Rincon OR Mesilla OR "Elephant Butte" OR "El Paso" OR EP* OR American OR Hueco OR Canutillo OR Caballo OR "Rio Grande"))	Release w/3 (Calculat* OR annual or actual)	Release /3 calculat!, /3 annual, w/2 actual	Release /3 calculat!, /3 annual, w/2 actual AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo
EP* OR District w/10 (acre* OR allo* OR crop OR deliver* OR diver* OR drain OR flow OR "return flow" OR account*)	EP* w/10 (acre* OR allo* OR crop OR deliver* OR diver* OR drain OR flow OR "return flow" OR account*)	EP1	EP1

From: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>

Sent: Sunday, July 5, 2020 12:52 PM

To: Leining, Lee (ENRD) <LLeining@ENRD.USDOJ.GOV>

Cc: Dubois, James (ENRD) <JDubois@ENRD.USDOJ.GOV>; April J. Ferguson <aferguson@opveon.com>;

EXHIBIT

K

Gibson, Wade (ENRD) <WGibson@ENRD.USDOJ.GOV>

~~Subject: RE: TX v NM: ESI discussion~~

Lee:

Attached is what I think will get us where we need to be. I've accepted many of your combinations and added some of my own, in Column A. Where there is nothing in Column A, it signifies your Column B is acceptable.

I need to know by COB Tuesday if the US will be able to implement these searches and produce a meaningful, culled selection of the pulled documents by July 15.

I suggest we speak after the conclusion of the Lopez deposition on Tuesday.

Many thanks,

Shelly L. Dalrymple
NM Interstate Stream Commission

From: Leininger, Lee (ENRD)

Sent: Wednesday, July 1, 2020 5:14 PM

To: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>

Cc: Dubois, James (ENRD) <James.Dubois@usdoj.gov>; April J. Ferguson <aferguson@opveon.com>;

Gibson, Wade (ENRD) <Wade.Gibson@usdoj.gov>

Subject: [EXT] RE: TX v NM: ESI discussion

Shelly – Attached is our review of the list of search terms you provided for the production of IBWC ESI. We appreciate your willingness to reduce the original search term spreadsheet after our discussion on the vast number of documents the original search list generated. Your list (reduced from the June 2019 list) is in Column B. Our November 2019 correction to that list is in Column C.

Column A shows our proposed further modification. We have combined many of the search lines into consolidated search lines (see the red text) that will generate the same results but be easier to run. The yellow highlighted lines are problematic. These are generating large hits that our preliminary review shows include large numbers of non-responsive documents. For example, the stand alone term “El Paso” generated 158,000 hits. We propose eliminating these search-busters because, to continue this example, other lines include El Paso combined with relevant terms and limiters that should produce the responsive documents. Please let us know if our proposed modification is acceptable to New Mexico. Thanks Lee

From: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>

Sent: Tuesday, June 30, 2020 12:17 PM

To: Leininger, Lee (ENRD) <LLeining@ENRD.USDOJ.GOV>

Cc: Dubois, James (ENRD) <JDubois@ENRD.USDOJ.GOV>; April J. Ferguson

<aferguson@opveon.com>; Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>

Subject: RE: TX v NM: ESI discussion

Lee:

Could you kindly advise when you will provide the document described below?

Many thanks.

Dalrymple, Shelly, OSE

From: Dalrymple, Shelly, OSE
Sent: Thursday, July 9, 2020 8:14 AM
To: Leininger, Lee (ENRD)
Cc: Dubois, James (ENRD); April J. Ferguson; Gibson, Wade (ENRD); Dalrymple, Shelly, OSE
Subject: RE: TX v NM: ESI discussion

Lee: See **comments**.

Shelly L. Dalrymple NM Interstate Stream Commission

From: Leininger, Lee (ENRD)
Sent: Wednesday, July 8, 2020 2:41 PM
To: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>
Cc: Dubois, James (ENRD) <James.Dubois@usdoj.gov>; April J. Ferguson <aferguson@opveon.com>; Gibson, Wade (ENRD) <Wade.Gibson@usdoj.gov>
Subject: [EXT] RE: TX v NM: ESI discussion

Shelly – It looks like we’re down to the one search line “allot*” The reason we are concerned with this stand-alone term is it has no limiters and departs significantly from what was originally agreed to, “allotment /s order” (which we changed to w/10 because the /s is not recognized as a software search parameter). How about we add the same limiters as you added to the over /5 deliver* term? Thus, it will read:
Allot* AND (Project OR Mexico OR dam OR EP* OR “El Paso”) **Good**.

We will produce IBWC documents consistent with your search criteria on or before July 15. We are reviewing a subset of those documents which we have identified as potentially privileged and we’ll produce any resulting non-privileged documents from that group as soon as possible. **Can you give me an estimate of how many docs we need to be prepared for as we have to shift resources in order to timely complete our discovery given this late production, thanks.**

Finally, I am trying to locate the email that accompanied the November ESI list of corrected search terms. As you may recall, the original list had numerous spelling and search syntax errors that rendered the original largely inoperative.

Lee

From: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>
Sent: Wednesday, July 8, 2020 11:45 AM
To: Leininger, Lee (ENRD) <LLeining@ENRD.USDOJ.GOV>
Cc: Dubois, James (ENRD) <JDubois@ENRD.USDOJ.GOV>; April J. Ferguson <aferguson@opveon.com>; Gibson, Wade (ENRD) <WGibson@ENRD.USDOJ.GOV>; Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>
Subject: RE: TX v NM: ESI discussion

Lee: Please see my **comments** below.

We probably need to talk about your problem with “allot*” as I do not understand your objection, and also as to your statement that I have added new terms.

Again, I must press you for a date certain of your production of reasonably and responsibly culled documents.
Thank you.

Shelly L. Dalrymple
NM Interstate Stream Commission

From: Leininger, Lee (ENRD)
Sent: Wednesday, July 8, 2020 11:12 AM
To: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>
Cc: Dubois, James (ENRD) <James.Dubois@usdoj.gov>; April J. Ferguson <aferguson@opveon.com>; Gibson, Wade (ENRD) <Wade.Gibson@usdoj.gov>
Subject: [EXT] RE: TX v NM: ESI discussion

Shelly – We’ve completed the review of your latest list and we are dismayed by what we’ve discovered. Almost all of your search strings include new search terms or parameters that were never agreed to in our June 2019 list or the corrected November 2019 list. I repeat my request that you provide the email transmitting the changed November 2019 list; unfortunately, we have no record of that new search term list. If I am mistaken, I will modify my position accordingly. I don’t believe it is true that I have added “new search terms”; I have combined many of the previously-agreed terms so as to cut down the number of searches. Please provide examples of where I have added new terms. We don’t mind including new search terms that correct or help to better define the original list, but we do object to an expansion at this late date. Please provide examples so that we may discuss. I am not aware of new terms.

Nevertheless, we are willing to proceed with your new terms and searches with the exception of a few search strings that are clearly over-broad and generating large numbers of hits which are likely to be non-responsive materials. For example, you have added an OR term with “District” to the following search string: "El Paso" OR EP* OR District w/10 (use OR well OR groundwater OR contract OR pump OR drill OR acre* OR allo* OR crop OR deliver* OR diver* OR drain OR flow OR gage OR "return flow" OR "water accounting"). I added “District” to capture where the mere acronym of the District might not catch the document, and it seemed easier for you than writing out the entire District name. As long as “Elephant” and “EP*” and “El Paso” is included where capturing the District is included in the search, you may delete “District.” You may not be aware that IBWC deals regularly with several irrigation districts in south Texas along our southern border. Consequently, your new search string yields inordinate number of hits likely to be non-responsive.

There are five other search strings that are especially problematic (see comments below). We will proceed with the remainder of your new and modified search terms, Disagree that there are any new terms; I have combined previously-agreed terms to reduce the number of searches for your benefit. but the six search strings below are unreasonable and must be changed.

Lee

NM proposed	US proposed	Original (June 2019)	Corrections (November 2019)
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"El Paso" OR EP* OR District w/10 (use OR well OR groundwater OR contract OR pump OR drill OR acre* OR allo* OR crop OR deliver* OR diver* OR drain OR flow OR gage OR "return flow" OR "water accounting")	"El Paso" w/10 (use OR well OR groundwater OR contract OR pump OR drill OR acre* OR allocation OR crop OR deliveries OR diversion OR drain OR flow OR gage OR "return flows" OR "water accounting")	"El Paso County Water Improvement District" /s acre!	"El Paso County Water Improvement District" /s acre!
allot*	Allotment w/10 order	Allotment (/s order)	Allotment /s order
(Canal* AND "Rio Grande" OR Project	Canal w/10 flow AND ("Rio Grande" OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR American OR "El Paso")	Canal /s flow	(Canal /s flow) AND ("Rio Grande" OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR American OR "El Paso")
over w/5 deliver*	EXCLUDED FROM ORIG	Not in original	Not included
Release AND ((Rincon OR Mesilla OR "Elephant Butte" OR "El Paso" OR EP* OR American OR Hueco OR Canutillo OR Caballo OR "Rio Grande"))	Release w/3 (Calculat* OR annual or actual)	Release /3 calculat!, /3 annual, w/2 actual	Release /3 calculat!, /3 annual, w/2 actual AND "New Mexico" OR Texas OR "Rio Grande" OR Rincon OR Leasburg OR Percha OR Mesilla OR "Elephant Butte" OR "El Paso" OR American OR Hueco OR Canutillo OR Caballo
EP* OR District w/10 (acre* OR allo* OR crop OR deliver* OR diver* OR drain OR flow OR "return flow" OR account*)	EP* w/10 (acre* OR allo* OR crop OR deliver* OR diver* OR drain OR flow OR "return flow" OR account*)	EP1	EP1

From: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>

Sent: Sunday, July 5, 2020 12:52 PM

To: Leining, Lee (ENRD) <LLeining@ENRD.USDOJ.GOV>

Cc: Dubois, James (ENRD) <JDubois@ENRD.USDOJ.GOV>; April J. Ferguson <aferguson@opveon.com>;

From: [Dalrymple, Shelly, OSE](#)
To: "[Leininger, Lee \(ENRD\)](#)"; [Dubois, James \(ENRD\)](#)
Subject: RE: TX v NM: Rule 30b6
Date: Wednesday, July 15, 2020 5:41:00 PM
Attachments: [image001.png](#)

Great – one other thing – will it be the entirety of the IBWC ESI production, or will this be a rolling production?

Shelly L. Dalrymple
NM Interstate Stream Commission

From: Leininger, Lee (ENRD)
Sent: Wednesday, July 15, 2020 5:19 PM
To: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>; Dubois, James (ENRD) <James.Dubois@usdoj.gov>
Subject: [EXT] RE: TX v NM: Rule 30b6

Yes. You should be getting a copy of the submission notice in a few minutes. Lee

From: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>
Sent: Wednesday, July 15, 2020 5:04 PM
To: Leininger, Lee (ENRD) <LLeining@ENRD.USDOJ.GOV>; Dubois, James (ENRD) <JDubois@ENRD.USDOJ.GOV>
Subject: RE: TX v NM: Rule 30b6

Colleagues:

Please advise if I will be receiving the IBWC ESI production tonight? Thank you.

Shelly L. Dalrymple
NM Interstate Stream Commission

From: Dalrymple, Shelly, OSE
Sent: Wednesday, July 15, 2020 2:23 PM
To: Leininger, Lee (ENRD) <Lee.Leininger@usdoj.gov>; Dubois, James (ENRD) <James.Dubois@usdoj.gov>
Cc: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>
Subject: RE: TX v NM: Rule 30b6

Lee and Jim:

Are you able to have a call today on New Mexico's requests, below, as the Gordon deposition is over?

Thank you.

Shelly L. Dalrymple
NM Interstate Stream Commission

EXHIBIT

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From: Dalrymple, Shelly, OSE
Sent: Monday, July 13, 2020 11:30 AM
To: Leininger, Lee (ENRD) <Lee.Leininger@usdoj.gov>; Dubois, James (ENRD) <James.Dubois@usdoj.gov>
Cc: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>
Subject: RE: TX v NM: Rule 30b6

Lee and Jim:

In addition to scheduling the BOR 30b6, I would like to talk to you today about scheduling depositions for the following US witnesses:

1. Jerry Melendez, Dagmar Llewellyn
 - a. NM would like to take these 2 witness in conjunction with/rolling Carolyn Donnelly, August 3, 4, 5
2. Spener, Finn, Avila, and IBWC 30b6
 - a. NM will have to have sufficient time to review and digest the IBWC ESI production before taking these depositions, so NM would like to schedule these during the week of August 17.

Are you available to discuss these depositions today?

Many thanks for your assistance.

Shelly L. Dalrymple
NM Interstate Stream Commission

From: Leininger, Lee (ENRD)
Sent: Friday, July 10, 2020 5:25 PM
To: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>; Dubois, James (ENRD) <James.Dubois@usdoj.gov>
Subject: [EXT] RE: TX v NM: Rule 30b6

Shelly – we’re still discussing your 30(b)(6) notice internally and we’ll get back to you on Monday. Have a good weekend. Lee

From: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>
Sent: Friday, July 10, 2020 10:04 AM
To: Leininger, Lee (ENRD) <LLeining@ENRD.USDOJ.GOV>; Dubois, James (ENRD) <JDubois@ENRD.USDOJ.GOV>
Cc: Dalrymple, Shelly, OSE <Shelly.Dalrymple@state.nm.us>
Subject: TX v NM: Rule 30b6

Lee and Jim:

I would like your help in scheduling the attached Rule 30(b)(6) deposition of a representative/s of the Bureau of Reclamation. I am looking at the week August 10-15.

From: [Dalrymple, Shelly, OSE](#)
To: [Leininger, Lee \(ENRD\)](#); [Dubois, James \(ENRD\)](#)
Cc: [Dalrymple, Shelly, OSE](#)
Subject: FW: Original No. 141 Texas v. New Mexico and Colorado
Date: Thursday, July 16, 2020 8:11:06 AM
Attachments: [2020-07-05 United States 5th Supplemental ESI Production.pdf](#)

Lee and Jim:

I was very surprised to see that the United States produced almost 30,000 IBWC ESI documents, as stated in the notice attached below. As you know, because they were produced in a ZIP file to the Box.com system, I cannot even take a look at them until they have been unzipped and are in Veritext, so I won't be able to get a sense of them for at least a day, nor start review of them until they are then also downloaded into the New Mexico platform.

My reasonable expectation was that the United States would produce some 2-3000 documents, given all the negotiations over the few weeks to accommodate the United States' complaints about this group of documents, and given that the United States has had over a year to get this production out.

Thirty thousand documents presents an enormous problem for New Mexico to review, digest, and prepare for any necessary discovery as to the facts in these documents, not to mention mining them for information for the four pending depositions I have requested of the United States.

I suggest a telephone call to discuss solutions.

Shelly

Shelly L. Dalrymple
NM Interstate Stream Commission

From: Engelkes, Amber (ENRD) [<mailto:Amber.Engelkes@usdoj.gov>]

Sent: Wednesday, July 15, 2020 5:09 PM

To: txnm@veritext.com; administrator@newmexicowaterlaw.com; ahitchings@somachlaw.com; Allison, Seth (ENRD) <Seth.Allison@usdoj.gov>; bjohnson@somachlaw.com; Bonnie Dewitt <Bonnie@roblesrael.com>; braley@troutlaw.com; bryan.clark@ag.ks.gov; cgarro@somachlaw.com; chad.wallace@coag.gov; Chelsea Sandoval <Chelsea@roblesrael.com>; ckhoury@nmag.gov; Coleman, Judith (ENRD) <Judith.Coleman@usdoj.gov>; crivera@somaclaw.com; crodder@somachlaw.com; dcaroom@bickerstaff.com; dluna@montand.com; dmiller@kempsmith.com; donna.ormerod@draperllc.com; Dubois, James (ENRD) <James.Dubois@usdoj.gov>; Engelkes, Amber (ENRD) <Amber.Engelkes@usdoj.gov>; Eric Olson, CO SG <eric.olson@coag.gov>; Fogle, Paulette (ENRD) <Paulette.Fogle@usdoj.gov>; Geneal Counsel

EXHIBIT

N

NMSU <gencounsel@nmsu.edu>; hbalderas@nmag.gov <hbalderas@nmag.gov>; janet@h2o-legal.com; jcbrockmann@newmexicowaterlaw.com; jfstein@newmexicowaterlaw.com; jo@tessadavidson.com; john.draper@draperllc.com; john@uttonkery.com; jvega-brown@las-cruces.org; jwechsler@montand.com; lamaih@modrall.com; Leininger, Lee (ENRD) <Lee.Leininger@usdoj.gov>; lthompson@troutlaw.com; Luis Robles <Luis@roblesrael.com>; Marcus Rael <Marcus@roblesrael.com>; marcyd@las-cruces.org <marcyd@las-cruces.org>; mgoldsberry@somachlaw.com; mkopp@troutlaw.com; mobrien@modrall.com; nan.edwards@coag.gov; pauh@abcwua.org; Pauline Wayland <pauline@roblesrael.com>; preston.hartman@coag.gov; priscilla.hubenak@oag.texas.gov; psalazar@nmag.gov; rdeitchman@somachlaw.com; rhicks@renea-hicks.com; rhoffman@somachlaw.com; rwade@somachlaw.com; samantha@h2o-legal.com; Sarah Stevenson <sarah.stevenson@modrall.com>; shannong@modrall.com; sklahn@somachlaw.com; smaxwell@bickerstaff.com; ssomach@somachlaw.com; SupremeCtBriefs (SMO) <SupremeCtBriefs@usdoj.gov>; tbarfield@somachlaw.com; tmaestas@nmag.gov <tmaestas@nmag.gov>; toby.crouse@ag.ks.gov; ttd@tessadavidson.com; Tustin, John (ENRD) <John.Tustin@usdoj.gov>; ydelacruz@somachlaw.com

Subject: Original No. 141 Texas v. New Mexico and Colorado

Dear Counsel,

With regards to the above-mentioned matter, attached and for review is the United States Fifth Supplement ESI Disclosure. The zip file for the Fifth Supplemental ESI Disclosure has been uploaded to [Box.com](https://www.box.com) and are able to be access and downloaded. These files will also be uploaded to the Veritext Vault for all of the parties to access.

Should you have any questions or issues with these files, please do not hesitate to contact our office.

Thank you,

Amber Engelkes
Senior Paralegal
LABAT for
The U.S. Department of Justice
Environment & Natural Resources Division
South Terrace, Suite 370
999 18th Street
Denver, CO 80202
Work Phone: 303-844-1377
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Amber.engelkes@usdoj.gov