

THIRD JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF DOÑA ANA

FILED

2015 MAY 19 PM 3 33

DISTRICT COURT
DOÑA ANA COUNTY, NM
NORMAN GORDON, CLERK

STATE OF NEW MEXICO *ex rel.*,)
NEW MEXICO STATE ENGINEER,)
)
Plaintiff,)
)
vs.)
)
ELEPHANT BUTTE IRRIGATION)
DISTRICT, *et al.*,)
)
Defendants.)

No. CV-96-888
Lower Rio Grande Adjudication
Honorable James J. Wechsler

Stream System Issue
SS-97-104
United States Interests

NOTICE TO THE STATE OF NEW MEXICO FOR DEPOSITION
DUCES TECUM OF NMRA Rule 1-030(b)(6) DESIGNATED PERSON

PLEASE TAKE NOTICE that, pursuant to Rule 1-030(b)(6) of the New Mexico Rules of Civil Procedure and agreement of the participating parties, the United States, by and through its undersigned attorneys, will take the deposition of the State's designated person most knowledgeable on the New Mexico Office of State Engineer's (OSE) use of the doctrine of relation back to determine priority dates for water right applications now and in the past. By personal communications, the State has designated John Romero, P.E. Therefore, on **Wednesday, June 3, 2015 beginning at 9:00 a.m.**, and continuing until concluded, Mr. Romero's deposition will be conducted before a certified court reporter and notary public, at Santa Fe Community Convention Center, Nambe Room, 201 W. Marcy, Santa Fe, New Mexico 87501.

Mr. Romero is requested to bring the following documents, including in electronic form if available in that form, to his deposition:

1. A current copy of his curriculum vitae or resume;
2. Any and all records, charts, notes, reports, articles, evaluations, data, computer spreadsheets, computer software calculations, correspondence, communications, references and all other documents of whatsoever kind and nature known or reasonably available to the OSE on the matter on which examination is requested.

Pursuant to Rules 1-030 and 1-032 of the New Mexico Rules of Civil Procedures, this deposition may be used at the trial of this matter.

Respectfully submitted this 19th day of May, 2015.

/s/ R. Lee Leininger
R. LEE LEININGER
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Environment and Natural Resources Division
U.S. Department of Justice
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ATTORNEY FOR THE UNITED
STATES OF AMERICA

CERTIFICATE OF SERVICE

I, R. Lee Leininger, do hereby certify that on this 19th day of May, 2015, I filed the original of the *Notice of Deposition Duces Tecum to STATE OF NEW MEXICO'S Rule 1-030(b)(6) DESIGNATED PERSON*, with the Court via E-file and emailed and/or mailed a true and correct copy to counsel of record and participating parties properly addresses to the provide on the Court's website <https://rgadjudication.nmcourts.gov/index.php/admin/unpublished-docs/1286-ss-97-104-united-states-interest-updated-february-4-2015.html> for Stream System Issue SS-97-104.

/s/ R. Lee Leininger _____
R. Lee Leininger