

DISTRICT COURT
SAN JUAN COUNTY NM
FILED
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STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT

STATE OF NEW MEXICO, *ex rel.*
STATE ENGINEER,

Plaintiff,

vs.

UNITED STATES OF AMERICA, *et. al.*,
Defendants.

CV 75-184
HON. JAMES J. WECHSLER
Presiding Judge

San Juan River Adjudication
Claims of the Navajo Nation
Case No. AB-07-1

NAME OF PARTY: City of Aztec and City of Bloomfield (the "Cities")

DESCRIPTIVE SUMMARY: Cities' Witness List

NUMBER OF PAGES: 3 pages

DATE OF FILING OR MAILING: December 14, 2012

CITIES' WITNESS LIST

The Cities, by and through their attorneys, Keleher & McLeod, P.A., hereby submit their Witness List. This Witness List is preliminary, as discovery is ongoing and does not close until March 1, 2013. The Cities will supplement this Witness List if new witnesses are identified. At this point in time, the Cities may call the following witnesses to testify at trial:

1. Joshua Ray
c/o Keleher & McLeod, PA
P.O. Box AA
Albuquerque, NM 87103
2. David Fuqua
c/o Keleher & McLeod, PA
P.O. Box AA
Albuquerque, NM 87103
3. Any foundational witnesses not stipulated to regarding any exhibits.

- 4. Any witnesses disclosed during discovery and in any discovery responses.
- 5. Any witnesses deposed in this matter.
- 6. Any witnesses disclosed by any party to this matter.
- 7. Any necessary rebuttal witnesses.

The Cities also state that they may call one or more expert witnesses and may rely on any experts called by ConcoPhillips and El Paso Natural Gas Company. As discovery is ongoing, the below list is preliminary only and is submitted with the purpose of full disclosure of possible experts. At this point in time, the Cities state that they may the following experts to testify about the following possible topics:

8. Herbert Fullerton and/or Donald Snyder, as an Agro-Economists

c/o Keleher & McLeod, PA
 P.O. Box AA
 Albuquerque, NM 87103

c/o Adam G. Rankin, Esq.
 Holland & Hart LLP
 PO Box 2208
 Santa Fe, NM 87504-2208

The Cities may call an Mr. Fullerton or Mr. Snyder, as Agro-Economist to potentially offer expert testimony regarding the Settling Parties' PIA analysis and/or testimony that certain areas or portions of the acreage claimed as historically irrigated and included in the Proposed Decrees do not meet the applicable PIA standard.

9. John Shomaker, as a Hydrologist/engineer

c/o Keleher & McLeod, PA
 P.O. Box AA
 Albuquerque, NM 87103

c/o Adam G. Rankin, Esq.
 Holland & Hart LLP
 PO Box 2208
 Santa Fe, NM 87504-2208

The Cities may call a Hydrologist/Engineer to potentially offer expert testimony regarding (1) the Settling Parties' claims that the Proposed Decrees will reduce or eliminate impacts on junior water users; (2) whether the 1868 priority date applies to after-acquired trust properties.

10. Historian/Demographer

The Cities may call a Historian/Demographer to potentially offer expert testimony about the creation and expansion of the Navajo Indian Reservation, the Navajo population at the time of the 1868 treaty, the Navajo population at the time of each successive accretion to the Reservation, and the Navajo's historical water usage during each of these time periods.

The Cities reserve the right to amend this Witness List, as discovery is ongoing.

Respectfully submitted,

KELEHER & McLEOD, P.A.

By: 

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JUSTIN BREEN

CASSANDRA R. MALONE

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CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2012, a true and correct copy of *Cities' Witness List* was served by attaching an electronic copy to an email sent to the following address: wmavajointerse@nmcourts.gov and to aocclj@nmcourts.gov.

