

DISTRICT COURT
SAN JUAN COUNTY NM
FILED
2012 DEC 14 PM 3:00

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

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

Plaintiff,

v.

THE UNITED STATES OF AMERICA,
et al.,

Defendants.

CV-75-184

HON. JAMES J. WECHSLER
Presiding Judge

SAN JUAN RIVER
ADJUDICATION

Claims of Navajo Nation
Case No. AB-07-1

NAME OF PARTY: ConocoPhillips, its subsidiaries and affiliates, ConocoPhillips Company, Burlington Resources Oil and Gas Company LP ("ConocoPhillips"), and El Paso Natural Gas Company.

DESCRIPTIVE SUMMARY: ConocoPhillips and El Paso Natural Gas Company's Second Supplemental Disclosure of Potential Witnesses.

NUMBER OF PAGES: 3.

DATE OF FILING: December 14, 2012.

**CONOCOPHILLIPS AND EL PASO NATURAL GAS COMPANY'S SECOND
SUPPLEMENTAL DISCLOSURE OF POTENTIAL WITNESSES**

Pursuant to the Court's November 19, 2012, Corrected Order, ConocoPhillips, its subsidiaries and affiliates, ConocoPhillips Company, Burlington Resources Oil and Gas Company LP ("ConocoPhillips"), and El Paso Natural Gas Company hereby file this disclosure of potential witnesses whom ConocoPhillips and El Paso Natural Gas Company may call at a hearing or trial in this proceeding.

In addition to the witnesses previously identified in ConocoPhillips and El Paso Natural Gas Company's joint initial disclosures, filed on September 21, 2012, and the joint supplemental

disclosures, filed on November 30, 2012, ConocoPhillips and El Paso Natural Gas Company may call the following expert witnesses:

1. Prof. Donald L. Snyder: Curriculum vitae will be provided to the Settling Parties.
2. Prof. Herbert Fullerton (retired): Curriculum vitae will be provided to the Settling Parties.
3. Dr. John Shomaker: Curriculum vitae will be provided to the Settling Parties.

ConocoPhillips and El Paso Natural Gas Company may call Profs. Snyder and Fullerton to provide expert testimony regarding the Settling Parties' practicably irrigable acreage ("PIA") analysis and/or that certain areas or portions of the acreage claimed as historically irrigated and included in the Settlement Agreement and Proposed Decrees as subject to a decreed water right do not meet the applicable PIA standard.

ConocoPhillips and El Paso Natural Gas Company may call Dr. Shomaker to provide expert testimony on one or more of the following areas: (1) the Settling Parties' claims that the Settlement Agreement and Proposed Decrees will reduce or eliminate impacts on junior water users; (2) whether the Settlement Agreement and Proposed Decrees provide for more water or an earlier priority, or both, than could be proven at a trial on the merits; and (3) how the Settlement Agreement and Proposed Decrees would need to be modified to comply with the applicable legal standard.

As discovery is ongoing and does not closed until March 1, ConocoPhillips and El Paso Natural Gas Company reserve the right to call additional expert witnesses who may be required to address the claims of the Settling Parties including, but not limited to, any claim of aboriginal title to water made on behalf of the Navajo Nation. ConocoPhillips and El Paso Natural Gas Company reserve the right to call an expert witness to provide testimony regarding the creation

of the Navajo Indian Reservation, the Navajo Nation's population at the time of the 1868 treaty creating the Reservation, the Navajo Nation's population at the time of each successive accretion of land to the Reservation, and the Navajo Nation's historical water usage during each of these time periods, as well any other issue that might arise out of a claim of aboriginal title to water made on behalf of the Navajo Nation.

ConocoPhillips and El Paso Natural Gas Company reserve the right to supplement its identification of potential witnesses during the course of discovery, which is scheduled to close on March 1, 2013.

Respectfully Submitted,

HOLLAND & HART LLP

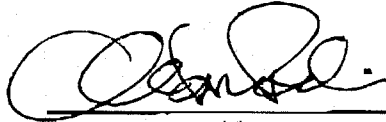
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**ATTORNEYS FOR CONOCOPHILLIPS AND
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 14th day of December 2012, a copy of the foregoing was served on all parties by emailing to wrnavajointerse@nmcourts.gov and by separate email transmission to aoccai@nmcourts.gov, and the list of parties identified on the Court's Corrected Order Summarizing Discovery Activities Discussed at the November 6, 2012 Discovery Conference, filed on November 19, 2012.



Adam G. Rankin