

STATE OF NEW MEXICO
COUNTY OF CIBOLA
THIRTEENTH JUDICIAL DISTRICT

E-FILED OCTOBER 7, 2011

STATE OF NEW MEXICO, ex rel.)
State Engineer,)
)
Plaintiff,)
vs.)
)
KERR-McGEE CORPORATION, et al.,)
)
Defendants.)
_____)

No. CB-83-190-CV and
CB-83-220-CV (Consolidated)

**Subproceeding 1 on Past and
Present Use Water Rights of
Pueblos of Acoma and Laguna**

Before Special Master George H. Perez

NOTICE TO TAKE DEPOSITION
DUCES TECUM OF NIEL ALLEN, Ph.D., P.E.

To: Niel Allen, Ph.D., P.E.
c/o Peter C. Chestnut, Esq.
Ann Berkley Rodgers, Esq.
121 Tijeras N.E., Suite 2001
Albuquerque, NM 87102

PLEASE TAKE NOTICE that the State of New Mexico ex rel. State Engineer (“State”) will pursuant to Rules 1-030 and 1-034 NMRA take the deposition of Niel Allen, Ph.D., P.E. in the above-captioned matter commencing at a date and time certain, as will be agreed to in writing by attorneys for the State and the Pueblo of Acoma or by amended notice of deposition duces tecum, during the periods from November 8-10, 2011 and November 15-17, 2011, commencing at 9:15 a.m. each day before a notary public and court reporter at the offices of Sheehan & Sheehan, P.A., 40 First Plaza N.W., Suite 740, Albuquerque, New Mexico 87102, or at such specific date, time and location as mutually agreed to in writing by attorneys for the State and the Pueblo of Acoma or by amended notice of duces tecum, and continuing so long thereafter as necessary to complete the deposition.

Please be advised that the witness is instructed to bring:

1. All documents reviewed or relied upon by Natural Resources Consulting Engineers, Inc. in (1) preparing any expert report or memorandum submitted by the Pueblo of Acoma in this Subproceeding 1 related to the issues of “Irrigation Water Requirements” or “Consumptive Irrigation Requirements” or related issues and (2) in reviewing any expert report or memorandum submitted by any other party to this Subproceeding 1 related to the issues of “Irrigation Water Requirements” or “Consumptive Irrigation Requirements” or related issues, unless such documents have previously been produced to the State or other party; and

2. Necessary computer software and equipment needed to view or read any documents at his deposition that cannot be viewed or read except through the use of a computer.

Notice is further given that the deposition may be used at trial and for all purposes consistent with Rule 1-032 NMRA.

Respectfully submitted,

Electronically Filed

/s/ Susan C. Kery

SUSAN C. KERY
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State of New Mexico, ex rel. State Engineer
Sheehan & Sheehan, P.A.
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(505) 247-0411

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 7th day of October, 2011, a copy of the foregoing *Notice to Take Deposition Duces Tecum of Niel Allen, Ph.D., P.E.* was mailed to the following Document Depositories:

Chris Banet, Bureau of Indian Affairs
Southwest Regional Office
1001 Indian School Road, NW
Albuquerque, New Mexico 87104

Robert Mooney, Central Records
Laguna Pueblo Tribal Building
Post Office Box 194
Laguna, New Mexico 87026

Sheehan & Sheehan, P.A.
Counsel for the Office of the State Engineer
c/o Donna Smith
40 First Plaza N.W., Suite 740
Albuquerque, New Mexico 87102

The undersigned further certifies that on the 7th day of October, 2011, a copy of the foregoing *Notice to Take Deposition Duces Tecum of Niel Allen, Ph.D., P.E.* was emailed and mailed by regular U.S. mail to the following counsel:

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/s/ Susan C. Kery
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