

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO <i>ex rel.</i>	)	68cv07488-BB-ACE
STATE ENGINEER,	)	Rio Santa Cruz Adjudication
	)	
Plaintiff,	)	70cv08650-BB-ACE
	)	Rio de Truchas Adjudication
v.	)	(Consolidated)
	)	
JOHN ABBOTT, <i>et al.</i> ,	)	Pueblo Claims Subproceeding 2
	)	
Defendants.	)	
_____	)	

**CITY OF ESPANOLA’S PRELIMINARY EXHIBIT LIST**

**COMES NOW** the City of Espanola and hereby submits the following Preliminary Exhibit List Pursuant to Fed.R.Civ.P. 26(a)(3)(A)(iii) and the Special Master’s *Amended Order Setting Motions Deadlines, Briefing Schedule and Trial Date* (No. 2709), as further amended by the Special Master’s July 27, 2010, and September 23, 2010, orders granting motions to extend deadlines (Nos. 2796 and 2826). The City provides this Preliminary Exhibit List based upon all information available at this time, but reserves the right to amend this list before the date established for service of final exhibit lists. The City’s preliminary identification of documents and exhibits it expects to offer at trial is as follows:

**Exhibits**

1. OSE Permit No. RG-3067-S-15.
2. Espanola San Juan-Chama Contract No. 8-02-53-W0190.
3. Map of Espanola municipal service area.

4. Report entitled *Evaluation of the Effects of Ohkay Owingeh Pueblo's Water Rights Claims in NM v. Abbott on City of Española Wells and Ground Water Rights*, Glorieta Geoscience, 2009.

Fig. 1 (Blow-up)

Fig. 2 (Blow-up)

Fig. 3 (Blow-up)

5. Water quality diagram illustrating differences in shallow and deep ground water quality in the vicinity of Española.
6. Diagram illustrating the extent of the 'Railroad Plume' superfund site.
7. Errata sheet for report entitled *Evaluation of the Effects of Ohkay Owingeh Pueblo's Water Rights Claims in NM v. Abbott on City of Española Wells and Ground Water Rights*, Glorieta Geoscience, 2009.
9. Aldrich, M.J., and Dethier, D.P., 1990, Stratigraphic and Tectonic Evolution of the Northern Española Basin, Rio Grande Rift, New Mexico, Geological Society of America Bulletin, v. 102 p. 1695-1705.
10. Bauer, P., Johnson, P., and Kelson, K., 1998, Geology and Hydrogeology of the Southern Taos Valley, Taos County, New Mexico: Final Technical Report, New Mexico Bureau of Mines and Mineral Resources.
11. Barroll, P., and Logan, L., 1998, Evaluation of Hydrologic Effects Due to Ground Water Diversions from Proposed Supplemental Wells RG-3067-S-12 and RG-3067-S-13, City of Española, New Mexico, New Mexico Office of the State Engineer Technical Division Hydrology Bureau Report 98-3.
12. Bredehoeft, John, 1997. Safe Yield and the Water Budget Myth. Ground Water, Volume 35, No. 6, November-December.
13. Caine, J.S., Minor, S.A., and Budahn, J.R., 2007, Faults in Rock, Faults in Dirt, and Enigmatic Breccias in the Española Basin, New Mexico: Their Relations to Rift Architecture, Ground Water, and a Possible Impact Structure, Geological Society of America 2007 Annual Meeting, Abstracts with Programs.
14. Chudnoff, M., and Riesterer, J., 2002, Drilling and Testing Report for Española Well No. 8, Carter Ranch Production Well RG-3067-S-15, Unpublished Consulting Report, Glorieta Geoscience, Inc.
15. Daniel B. Stephens and Associates, Inc. (DBSA), 2006, Hydrologic Investigation, City of Española, New Mexico, Unpublished Consulting Report Prepared for Molzen-Corbin and Associates.

16. Domenico, P.A., and Schwartz, R.W., 1998, Physical and Chemical Hydrogeology, John Wiley and Sons, Inc.: New York.
17. Driscoll, F.G., 1986, Groundwater and Wells, second edition: U.S. Filter/Johnson Screens, St. Paul, MN.
18. Dungan, M.A., Muehlberger, W.R., Leininger, L., Peterson, C., McMillan, N.J., Gunn, G., Lindstrom, M., and Haskin, L., 1984, Volcanic and sedimentary stratigraphy of the Rio Grande gorge and the late Cenozoic geologic evolution of the southern San Luis Valley, in New Mexico Geological Society Guidebook 35th Field Conference, Rio Grande Rift: Northern New Mexico, p. 157-170.
19. Galusha, T., and Blick, J.C., 1971, Stratigraphy of the Santa Fe Group, New Mexico, Bulletin of the American Museum of Natural History, v. 144, article 1, 127 p. plus plate.
20. Gordan, L.I., 1998, Abstract of Office of the State Engineer Water Right No. RG-3067 et al., City of Española, New Mexico Office of the State Engineer Water Rights Division Report.
21. Hearne, G.A., 1980, Mathematical model of the Tesuque aquifer system underlying Pojoaque River basin and vicinity, New Mexico, USGS Open-File Report 80-1023, 181 p.
22. John Shomaker and Associates, Inc. (JSAI), 1998a, Well Report, Agua Sana Water Users Association South Well 1, Hernandez, New Mexico, Unpublished Consulting Report.
23. John Shomaker and Associates, Inc. (JSAI), 1998b, Unpublished letter report from Roger Peery to Mustafa Chudnoff (Glorieta Geoscienc, Inc.) summarizing drilling and testing of wells RG-3067-S-12 and RG-3067-S-13.
24. John Shomaker and Associates, Inc. (JSAI), 2003, Unpublished letter report from Steven Finch to Doug Albin (Molzen & Corbin Engineers, Inc) summarizing results of drilling and testing of Española Well 9.
25. Kelson, K.I., Unruh, J.R., and Bott, J.D.J., 1997, Field characterization, kinematic analysis, and initial paleoseismologic assessment of the Embudo Fault, northern New Mexico – Final Technical Report, 48 p.
26. Kelley, V.C., 1978, Geology of the Española Basin, New Mexico, New Mexico Bureau of Mines and Mineral Resources Geologic Map 48.
27. Koning, D., 2002, Preliminary Geologic Map of the Española 7.5-Minute Quadrangle, Rio Arriba and Santa Fe Counties, New Mexico, New Mexico Bureau of Geology and Mineral Resources, Open-file Geologic Map OF-GM 70.

28. Koning, D., and Manley, K., 2003, Preliminary Geologic Map of the San Juan Pueblo 7.5-Minute Quadrangle, Rio Arriba and Santa Fe Counties, New Mexico, New Mexico Bureau of Geology and Mineral Resources, Open-file Geologic Map OF-GM 70.
29. Koning, D.J., Connell, S.D., Slate, J.L., and Wan, E., 2007a, Stratigraphic Constraints for Miocene-age vertical motion along the Santa Clara fault, Española Basin, north-central New Mexico, in New Mexico Geological Society Guidebook 58th Field Conference, Geology of the Jemez Region II, p. 225-238.
30. Koning, D.J., Aby, S., and Finch, S., 2007b, Where is the water? A preliminary assessment of hydrogeologic characteristics of lithostratigraphic units near Española, north-central New Mexico, in New Mexico Geological Society Guidebook 58th Field Conference, Geology of the Jemez Region II, p. 475-484.
31. Machette, M.N., Personius, S.F., Kelson, K.I., Haller, K.M., and Dart, R.L., 1998, Map and Data for Quaternary Faults in New Mexico, U.S. Geological Survey Open-File Report 98-521.
32. McAda, D. P., and Wasiolek, M., 1988, Simulation of the Regional Geohydrology of the Tesuque Aquifer System Near Santa Fe, New Mexico, United States Geological Survey Water-Resources Investigations Report 87-4056.
33. McDonald, M.G., and Harbaugh, A.W., 1998, A Modular Three-Dimensional Finite-Difference Ground-Water Flow Model, USGS TWRI Chapter 6-A1, 586 p.
34. New Mexico Bureau of Geology and Mineral Resources (NMBGMR), 2003, Geologic Map of New Mexico, 1:500,000: New Mexico Bureau of Geology and Mineral Resources.
35. Prickett, T.A., and Lonquist, C.G., 1971, Selected Digital Computer Techniques for Groundwater Resource Evaluation, State of Illinois Water Survey Division.
36. Reilly, T.E., Franke, O.L., and Bennett, G.D., 1987, The Principal of Superposition and its Application in Ground-Water Hydraulics: U.S. Geological Survey Techniques of Water Resources Investigations, Book 3, Chapter B6.
37. Riesterer, J., and Drakos, P., Alcalde MDWCA water system improvement project, production well (RG-23017-S-2) drilling and testing report, Unpublished Consulting Report, Glorieta Geoscience, Inc.
38. Souder, Miller, and Associates (SMA), 2003, Well Report for Well #2, Agua Sana Water Users Association, Hernandez, Rio Arriba County, New Mexico, December 2003, Unpublished Consulting Report.
39. Spiegel, Z., and Baldwin, B., 1963, Geology and Water Resources of the Santa Fe Area, New Mexico, United States Geological Survey Water-Supply Paper 1525.

40. State of New Mexico, ex rel. the State Engineer, Plaintiff, v. John Abbott, et. Al., Defendants, San Juan Pueblo Subproceeding Complaint in the United States District Court for the District of New Mexico.
41. State of New Mexico, ex rel. the State Engineer, Plaintiff, v. John Abbott, et. Al., Defendants, United States Subproceeding Complaint in the United States District Court for the District of New Mexico.
42. Watson, J., and Street, J. 2002, Well Report: Drilling, Construction, and Testing Española No. 6 Replacement Well, Unpublished Consulting Report by John Shomaker and Associates, Inc. (JSAI).
43. Any exhibit identified by any other party.

Respectfully submitted,

Electronically signed 10/1/10

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*Attorneys for City of Espanola*

**CERTIFICATE OF SERVICE**

I, Seth R. Fullerton, hereby certify that on this 1<sup>st</sup> day of October, 2010, the *City of Espanola's Preliminary Exhibit List* was filed electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

Electronically signed 10/1/10

Seth R. Fullerton

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