

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

STATE OF NEW MEXICO, <i>ex rel.</i>)	
State Engineer)	69cv07941-MV/KK
)	RIO CHAMA STREAM SYSTEM
Plaintiff,)	
)	Section 3, Rio Cebolla
vs.)	
)	Subfile Nos. CHCB-001-0007,
ROMAN ARAGON, <i>et al.</i> ,)	CHCB-002-0001B, CHCB-002-0002C,
)	CHCB-002-0009
Defendants.)	
_____)	

STATE OF NEW MEXICO’S INITIAL DISCLOSURES

Pursuant to the December 16, 2014 *Revised Pretrial Order* (No. 11064) and

Fed.R.Civ.P.26(a), the State of New Mexico hereby discloses the following:

1. The name, address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses.

The following individuals may have or might develop discoverable information that the State may use to support its claims or defenses:

- A. John Baxter, Ph.D, Historian, c/o Office of the State Engineer, Post Office Box 25102, Santa Fe, New Mexico 87504-5102, (505) 983-5836.
- B. James Aguirre, Engineering Manager 3, Hydrographic Survey Mapping Bureau, Office of the State Engineer, Post Office Box 25102, Santa Fe, New Mexico 87504-5102, (505) 827-3868.
- C. Mike Recker, Engineering Specialist Advanced, Northern New Mexico Adjudication Bureau, Office of the State Engineer, Post Office Box 25102, Santa Fe, New Mexico 87504-5102, (505) 827-3915.
- D. Frank Craig, Consultant, c/o Office of the State Engineer, Post Office Box 25102, Santa Fe, New Mexico 87504-5102. Mr. Craig may be reached through counsel for the State at (505) 827-3989.

2. A copy of, or a description by category and location or, all documents, data compilations and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses.

The State may use the following documents, data compilations, and tangible things to support its claims or defenses. The State reserves its right to assert in response to any discovery

request any claims of privilege or immunity that are applicable to all or part of any of the identified materials. Unless otherwise noted, the identified materials are located in the Office of the State Engineer, Litigation and Adjudication Program, 130 S. Capitol, Santa Fe, New Mexico 87501.

A. Survey Reports

Survey Name	Description	Date
New Mexico Office of the State Engineer, Rio Chama Stream System Hydrographic Survey Report	Section 3, Rio Cebolla Section	August 11, 2000

B. Other Reports

Author	Title	Date
John O. Baxter, Ph.D.	Report Concerning the Old Valdez Ditch and the Alfalfita Ditch, Rio Cebolla, Rio Chama Hydrographic Survey and all documents referenced therein	May, 2014
James Aguirre, Hydrographic Survey Bureau, OSE	Expert Witness Report of James Aguirre and all documents referenced therein	March __, 2015
John O. Baxter, Ph.D.	Memorandum regarding saw mills operating above the village of Cebolla before 1930 and Rio Arriba County records referenced therein	November 18, 2013
Ray Rivera, Hydrographic Survey Bureau, OSE	Report of Recheck, Rio Chama Rio Cebolla Section, 002-0001	April 26, 2001
Ray Rivera, Hydrographic Survey Bureau, OSE	Report of Recheck, Rio Chama Rio Cebolla Section, 002-0009 and 001-0007	October 31, 2002
Ray Rivera, Hydrographic Survey Bureau, OSE	Addendum to Report of Recheck, Rio Chama Rio Cebolla Section, CHCB-0002-0009 and CHCB-001-0007	November 4, 2002

Author	Title	Date
U.S. Department of Interior	General land entry files for Application of Patricio Chacon	1951

C. Maps

Description	Date
Map of the Rito del Tanque-Rito de la Piedra Ditch System, Declaration No. 0636, Amended 0636(B) and (C), Application No. 2686	June 10, 1949
Map of the Rito de Tanque (Chacon Ditch), Declaration No. 0636(D)	June 6, 1973
Map Showing Selected Homesteads, Purchases and Ditches in Rio Cebolla Area	Undated
Selected Ownerships as of 1926	Undated
Selected Ownerships as of June 14, 1949 Declaration OSE No. 0636	Undated
Selected Ownerships as of June 22, 1956	Undated
Selected Ownerships as of September 12, 1962	Undated

C. Aerial Photography

Description	Date
Aerial Photograph No. 1 Cebolla/Rio Chama	1935
Aerial Photograph No. RGB1-21	1958
Aerial Photograph No. ELF-6-168	1963
Aerial Photograph No. F16-CA-35039-4973-77	1975
Aerial Photograph No. F16-CA-35039-4973-79	1975
Aerial Photograph No. USDA 24-613100-481-170	1981
Aerial Photograph No. 1:18000 Chama SEO 4601-5-10	1995
Photo Enlargement No. 5-10 and 1995 and 1998 field notes	1995
Photo Enlargement No. 5-9B and 1995 field notes	1995

D. Photographs

Description	Date
2 Polaroid photographs depicting Old Valdez ditch/Alfalfita ditch and excavation	April, 2001
21 photographs from 2001 field recheck	April, 2001
8 photographs from 2002 field recheck	August 23, 2002
Approximately 169 photos from 2014 site visit	April 16, 2014

E. Water Rights Files

OSE Water Rights Files no. 2738, 0646, and 0492.

F. Other Documents

Deposition of Charlie Chacon, 69cv07941-BB, December 17, 2009.

Deposition of Mary Chacon Martinez, 69cv07941-BB, January 17, 2011.

3. The identity of any witness that may be used at trial to present evidence under Federal Rule of Evidence 702, 703, or 705.

The State may call the following witnesses to present expert testimony:

- A. John Baxter, Ph.D. Dr. Baxter will provide testimony regarding the history of land and water use and development in the Rio Cebolla. A copy of Dr. Baxter's expert report is attached as Exhibit A.
- B. James Aguirre. Mr. Aguirre will provide testimony regarding interpretation of aerial imagery, and review and interpretation of water rights records and documents. A copy of Mr. Aguirre's expert report is attached as Exhibit B.
4. Summary of the facts and opinions to which the witness is expected to testify.
- A. John Baxter, Ph.D. Dr. Baxter's expected testimony is summarized in his expert report, attached as Exhibit A. Exhibits that may be used to summarize or support Dr. Baxter's testimony include all documents referenced in his report.
- B. James Aguirre. Mr. Aguirre's expected expert testimony is summarized in his expert report, attached as Exhibit B. Exhibits that may be used to summarize or support Mr. Aguirre's testimony include all documents referenced in his report. Mr. Aguirre will also offer factual testimony regarding his review and interpretation of water rights records and documents, including the hydrographic survey.
- C. Mike Recker. Mr. Recker is expected to testify regarding OSE maps depicting the tracts at issue in this proceeding, an explanation of what is shown on each map, how the maps were produced, and the data or information relied on for preparing each map.
- D. Frank Craig. Mr. Craig is expected to testify regarding his field inspections of the tracts at issue in this proceeding and his findings and recommendations.

/s/ Misty Braswell

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