

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

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

Plaintiff,

vs.

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

Defendants,

THE JICARILLA APACHE TRIBE AND THE
NAVAJO NATION,

Defendant-Intervenors.

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

SAN JUAN RIVER
GENERAL STREAM
ADJUDICATION

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

**THE STATE'S ANSWERS TO CITY OF AZTEC AND CITY OF BLOOMFIELD'S
FIRST SET OF INTERROGATORIES TO THE UNITED STATES,
THE STATE OF NEW MEXICO AND THE NAVAJO NATION**

The State of New Mexico ("the State") responds to the City of Aztec and the City of Bloomfield's *First Set of Interrogatories to the United States of America, the State of New Mexico, and the Navajo Nation*, and reserves and restates any objections not previously ruled upon by the Court, as follows:

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1: Has the Navajo Nation or the United States, pursuant to its trust obligations to the Navajo Nation or the State of New Mexico, prepared an analysis of the level of water rights that would be apportioned to the Navajo Nation pursuant to the PIA of *Winters v. United States*, 207 U.S. 564 (1908)?

Answer. On January 3, 2011, the United States filed "The United States' Statement of Claims of Water Rights in the New Mexico San Juan River Basin on Behalf of

the Navajo Nation.” On April 13, 2012, the United States filed its “Errata Notice – Concerning the United States’ Statement of Claims of Water Rights in the New Mexico San Juan River Basin on Behalf of the Navajo Nation.” In support of the United States’ water right claims filed on behalf of the Navajo Nation, the United States on January 30, 2012, filed its “Technical Reports Supporting the United States’ Statement of Claims of Water Rights in the New Mexico San Juan River Basin on Behalf of the Navajo Nation and Disclosures of Individuals with Information Concerning such Technical Reports.” The United States attached fifteen exhibits that constituted the body of the technical reports that the United States was ordered to disclose. These reports include “Navajo San Juan River Basin Practicably Irrigable Acreage Study, Surface Water,” prepared by Keller-Bliesner Engineering, LLC, and dated January 12, 2012, This report identifies the amount of acres that are claimed to be practicably irrigable outside of the boundaries of the following:the Navajo Indian Irrigation Project, the historic Hogback-Cudei and Fruitland-Cambridge irrigation projects on the San Juan River, and the historic irrigation uses in drainages of ephemeral tributaries to the San Juan River. This report also presents the United States’ analysis of the amount of irrigation diversion and depletion requirements for land claimed to be practicably irrigable. Other reports filed with Court that may be relevant include: “Navajo San Juan Main Stem and NIIP Historically Irrigated Acreage,” “Navajo San Juan Tributary Consumptive Irrigation Requirements,” and “Inventory of Navajo Lands within the San Juan River Basin in New Mexico Irrigated by Groundwater and Tributaries of the San Juan River.”

On April 12, 2012, the State of New Mexico filed its analysis of the water right claims of the United States made on behalf of the Navajo Nation, which included a comparison of these water right claims to historic and currently authorized water uses (see “The State of

New Mexico's Statement of Legal and Factual Bases in Support of the Navajo Settlement"). The State also is producing a "Technical Assessment of the San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement" ("Technical Assessment").

INTERROGATORY NO. 2: If the answer to Interrogatory No. 1 is yes, please provide a copy of the study and explanation of the assumptions made to arrive at the determination of water rights sufficient to irrigate all practicably irrigable acreage of the Navajo Nation. Please also explain in summary how much water would be available to the Navajo Nation pursuant to that analysis.

Answer. Please see the answer to Interrogatory No. 1 above. The United States' technical reports have been filed with the Court in the San Juan River Adjudication. The assumptions made to determine the amount of water right claims filed by the United States to irrigate practicably irrigable acreage that has not been included within the Navajo Indian Irrigation Project or within the United States' claims for historic irrigated acreage are explained in "Navajo San Juan River Basin Practicably Irrigable Acreage Study, Surface Water." The assumptions made to determine the amount of water right claims filed by the United States to irrigate historically irrigated acreage are explained in "Navajo San Juan Main Stem and NIIP Historically Irrigated Acreage," "Navajo San Juan Tributary Consumptive Irrigation Requirements," and "Inventory of Navajo Lands within the San Juan River Basin in New Mexico Irrigated by Groundwater and Tributaries of the San Juan River." The amount of water that is claimed by the United States on behalf of the Navajo Nation for irrigation uses is based on these technical reports. The amount of water that would be awarded the Navajo Nation after litigation of these claims cannot be determined at this time.

INTERROGATORY NO. 3: If a study of PIA outcomes at trial has been performed

what was the:

- a. Source of water;
- b. The crops to be grown;
- c. The ratio of specialty crops to basic crops;
- d. The market analysis performed;
- e. The on-farm delivery costs;
- f. Analysis of the effects of insects and disease;
- g. Costs allocated to storage, transportation, carriage loss and economies of scale related to drought;
- h. The accounting system used to develop the cost benefit analysis;
- i. The discount rate;
- j. The final cost benefit ration; and the
- k. Accounting treatment of federal subsidies?

Answer. Please see the answer to Interrogatory No. 2 above. The amount of water that is claimed by the United States on behalf of the Navajo Nation for irrigation uses, and the assumptions and bases for determining the water right claims, are explained in the aforementioned technical reports that the United States filed with the Court on January 30.

INTERROGATORY NO. 4: Is it the Navajo Nation's position, that with the enactment of NIIP, that a portion of the Navajo Nation's *Winters* rights remained unimpaired? In particular, please see Section 13 (c) of the NIIP, which recognized the potential of the Navajo Nation having a remaining *Winters* right after the adoption of the law.

Answer. The State of New Mexico has no basis for answering this Interrogatory on behalf of the Navajo Nation.

INTERROGATORY NO. 5: Please provide the actual acre-feet per year diversion and depletion of water for the NIIP, from the years from its implementation through the current year. Please also provide an estimate by year of the anticipated diversions and depletion for the current period, through completion of NIIP under the settlement (December of 2015).

Answer. Keller-Bliesner Engineering, LLC, prepared for the US Bureau of Indian Affairs analyses of historic annual water use by the Navajo Indian Irrigation Project for the years 1976-2010. The methodology used to prepare the water use data is as described in the “Navajo Indian Irrigation Project Biological Assessment,” prepared by Keller-Bliesner Engineering and Ecosystems Research Institute, Inc., and dated June 11, 1999 (pages 32-35). Additional reports on historic water use by the project that were provided by Keller-Bliesner Engineering to the New Mexico Interstate Stream Commission include: “Navajo Indian Irrigation Project 2006 Irrigation and Drainage Analysis,” dated September 12, 2008; “Final Water Use Numbers for NIIP, 2007-2008,” undated; and “Navajo Indian Irrigation Project Irrigation and Drainage 2009-2010 Analysis,” dated November 9, 2011. The 1999 “Navajo Indian Irrigation Project Biological Assessment,” at page 40, figure 9, included also projections of future yearly diversions and depletions by the project through the year 2100. To the best of the State of New Mexico’s knowledge, the US Bureau of Indian Affairs has not updated its projections of future yearly diversions and depletions by the project since the preparation of the 1999 “Navajo Indian Irrigation Project Biological Assessment.” The “State

of New Mexico Schedule of Anticipated Upper Basin Depletions,” dated May 2006, included for planning purposes projected levels of Navajo Indian Irrigation Project depletions at the beginning of each decade through the year 2060. It is anticipated that construction of the Navajo Indian Irrigation Project will be completed by the early 2030s, and federal funding and completion of the project is not a condition of the San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement. See also the State’s “Technical Assessment of the San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement” (Technical Assessment).

INTERROGATORY NO. 6: Based on the fact that NIIP did not specify when the project would be completed, and capped spending at 80-100 million dollars, please explain how much of the 508,000 acre-feet per year diversion under this settlement would not be available to the Navajo Nation without implementation of the proposed settlement.

Answer. Completion of the Navajo Indian Irrigation Project is subject to either the Navajo Nation providing funding, or the United States authorizing additional expenditures of federal funds, for the completion of project construction. The State of New Mexico is not aware of any spending cap for the project. Also, the San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement does not provide funding for the completion of the NIIP. All 508,000 acre-feet per year of diversion would still be available for irrigation on the Navajo Indian Irrigation Project without the Settlement Agreement under existing federal authorizations provided by section 2 of the Act of June 13, 1962 (Public Law 87-483) which authorized the project, to the extent that the water is needed to meet demands of the project.

INTERROGATORY NO. 9: Is it the Navajo Nation's position under this settlement that it has the ability to change the purpose of use of any settlement waters allocated under the NIIP to uses other than irrigation purposes? If so, please explain.

Answer. The State of New Mexico does not know what position the Navajo Nation takes, but affirmatively states that Section 10402(a) of the Northwestern New Mexico Rural Water Project Act (Public Law 111-11, Title X, Subtitle B) authorizes the water diverted for the Navajo Indian Irrigation Project to be used within the project boundaries for the following purposes in addition to irrigation on the project: aquaculture purposes; domestic, industrial or commercial purposes related to agricultural production and processing; generation of hydroelectric power as an incident to the diversion of water by the project for other authorized purposes; and implementation of the alternate water source provisions described in subparagraph 9.2 of the San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement. In addition, the provisions of paragraph 17 of the proposed Partial Final Judgment and Decree of the Water Rights of the Navajo Nation would allow the water rights for the Navajo Indian Irrigation Project to be transferred to other non-irrigation uses, subject to State Engineer approval if the uses are located off Navajo Nation trust lands or if a change in the point of diversion is sought.

INTERROGATORY NO. 10: Please provide an estimate of how many acre-feet per year of water allocated to the Navajo Nation under this settlement will not be subject to any requirement to share shortages in the Navajo Reservoir supply, pursuant to Section 615ss(a) of NIIP.

Answer: Of the Navajo Nation's water uses in the San Juan River Basin in New Mexico, only the water demands for its uses under the Navajo Indian Irrigation Project and the Navajo-Gallup Water Supply Project are to be supplied from the Navajo Reservoir water supply pursuant to its water supply contract with the Secretary of the Interior signed in December 2010. Thus, only the water demands for its uses under these two projects are subject to sharing shortages in the Navajo Reservoir supply with other Navajo Reservoir supply contractors pursuant to section 11 of the Act of June 13, 1962 (Public Law 87-483). However, the Navajo Nation's water demands under its allocation of water from the Animas-La Plata Project made by the Colorado Ute Settlement Act Amendments of 2000 are subject to sharing of shortages in the Animas-La Plata Project water supply with other project contractors. The amount of water allocated to the Navajo Nation under the Settlement Agreement that will be administered with a senior reserved priority date and will not be subject to sharing of shortages in the Navajo Reservoir water supply or the Animas-La Plata Project water supply amounts to: (1) about 69,330 acre-feet per year of diversion from the San Juan River, with an associated depletion of 30,550 acre-feet per year; (2) 2,000 acre-feet per year of ground-water withdrawals in the basin; and (3) a total depletion of 8,872 acre-feet per year at the sites of use, or a net depletion of 1,819 acre-feet per year from the flow of the San Juan River, resulting from all Navajo Nation uses of water in drainages of ephemeral tributaries to the San Juan River for irrigation and livestock uses (see the proposed Decrees).

INTERROGATORY NO. 11: Does NIIP limit the Navajo Nation's use of water to the consumptive use required by modern water conservation technology (i.e., sprinkler

irrigation), or is there an absolute right under NIIP for the Navajo Nation to divert 508,000 acre-feet per year?

Answer: Pursuant to section 2 of the Act of June 13, 1962 (Public Law 87-483), the Navajo Nation is authorized to divert an annual average of up to 508,000 acre-feet per year of water for irrigation purposes on the Navajo Indian Irrigation Project. The authorizing legislation does not define a separate limit for consumptive use. The Settlement Agreement provides that: (1) the Navajo Nation may only divert that amount of water which is necessary to meet the actual use demands under the proposed water rights for the Navajo Indian Irrigation Project, which is anticipated to be between about 338,000 acre-feet and 372,000 acre-feet per year under the existing sprinkler irrigation project design depending on the implementation and effectiveness of planned water conservation measures for the project (see the “Biological Assessment for the Navajo Indian Irrigation Project,” prepared by Keller-Bliesner Engineering, LLC, and Ecosystems Research Institute, Inc., and dated June 11, 1999); (2) if any portion of the Navajo Indian Irrigation Project water allocation is used for a non-irrigation purpose, the Navajo Nation cannot divert more than 353,000 acre-feet per year unless it obtains State Engineer approval of a permit to allow them to do so, subject to non-impairment of existing rights; and (3) the amount of depletion by the NIIP may not exceed an average of 270,000 acre-feet per year during any period of ten consecutive years.

INTERROGATORY NO. 12: Has the Navajo Nation, as part of the negotiations resulting in the adoption of the NIIP, waived its right to any of its *Winters* rights in exchange for passage of NIIP, and if so, by how much?

Answer: No court has determined that the Navajo Nation waived its *Winters* rights in exchange for passage of the Navajo Indian Irrigation Project. The State of New Mexico is not taking a position in this Settlement on whether the Navajo Nation waived any of its *Winters* water rights claims. However, as discussed in “The State of New Mexico’s Statement of Legal and Factual Bases in Support of the Settlement Agreement,” filed with the Court on April 12, 2012, there is a risk that the Navajo Nation has not waived all of its *Winters* rights and could claim a large reserved water right for future uses. The Settlement Agreement and the proposed Partial Final Judgment and Decree of the Water Rights of the Navajo Nation avoid this litigation risk by resolving the Navajo Nation’s *Winters* rights claims.

INTERROGATORY NO. 13: Please quantify under the settlement how much of the Navajo Nation’s water rights will not be required to be used solely for irrigation purposes?

Answer. None of the water rights under the proposed Partial Final Judgment and Decree of the Water Rights of the Navajo Nation and the proposed Supplemental Partial Final Judgment and Decree of the Water Rights of the Navajo Nation will be required to be used solely for irrigation purposes. The provisions of paragraph 17 of the proposed Partial Final Judgment and Decree of the Water Rights of the Navajo Nation would allow the water rights for irrigation projects to be transferred to non-irrigation uses, subject to State Engineer approval if the uses are located off Navajo Nation trust lands or if a change in the point of diversion is sought. Also, see answer to Interrogatory No. 9 above.

INTERROGATORY NO. 14: Does NIIP allow for the Navajo Nation the ownership right in any water saved (including return flow) as a result of use of the sprinkler irrigation system? Is that water held by the Navajo Nation as a *Winters* water right?

Answer: The diversion right for the Navajo Indian Irrigation Project is not severable from, and is not transferable to other uses separate from, the depletion rights for the project. The Navajo Nation cannot lease or transfer to other uses water saved as a result of reductions in diversion requirements for the project that occur via implementation of sprinkler irrigation system technology or other water conservation measures. The Navajo Nation's water rights for the Navajo Indian Irrigation Project as described in paragraph 3(a) of the proposed Partial Final Judgment and Decree of the Water Rights of the Navajo Nation would be federal reserved water rights, but the exercise of these rights is subordinated to the priority of the Secretary of the Interior's rights for the Navajo Reservoir water supply in accordance with paragraph 5(a) of the proposed decree.

INTERROGATORY NO. 15: Section 4 of NIIP provides for increasing the capacity of NIIP facilities to supply water for purposes "over and above the diversion requirements for irrigation stated in Section (2)." Does the Navajo Nation take the position under the settlement that the diversion amounts shown by NIIP, in excess of those currently being diverted, are diversions that can be used for purposes other than irrigation? If so, please explain.

Answer: The State of New Mexico does not understand what is meant by "diversion amounts shown by NIIP, in excess of those currently being diverted." Further, the

State of New Mexico does not know what position the Navajo Nation takes. In any event, please see the State of New Mexico's answers to Interrogatory No. 9 above.

INTERROGATORY NO. 16: Does the settlement legislation allow for use by the Navajo Nation for NIIP diversions for purposes other than irrigation?

Answer: Section 10402(a) of the Northwestern New Mexico Rural Water Projects Act (Public Law 111-11, Title X, Subtitle B) authorizes the water diverted for the Navajo Indian Irrigation Project to be used within the project boundaries for irrigation and for aquaculture purposes and domestic, industrial or commercial purposes related to agricultural production and processing. See answer to Interrogatory No. 9 above.

INTERROGATORY NO. 17: Under the settlement legislation, has the purpose of NIIP been converted into the allowance of water rights for municipal and industrial purposes in addition to irrigation purposes? If so, please explain.

Answer: Section 10402(a) of the Northwestern New Mexico Rural Water Projects Act (Public Law 111-11, Title X, Subtitle B) authorizes the water diverted for the Navajo Indian Irrigation Project to be used within the project boundaries for irrigation and for aquaculture purposes and domestic, industrial or commercial purposes related to agricultural production and processing. See answer to Interrogatory No. 9 above.

INTERROGATORY NO. 18: Is any part of the proposed 277.4 million dollars in federal funds to be expended to complete the NIIP, subject to being repaid in part by the Navajo Nation to the extent the water is not applied to irrigation purposes.

Answer: The State of New Mexico does not know the funding requirements to complete the Navajo Indian Irrigation Project. The Northwestern New Mexico Rural Water Projects Act (Public Law 111-11, Title X, Subtitle B), which approved the San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement, does not provide federal funding authorizations to complete construction of the Navajo Indian Irrigation Project, nor is providing such federal funds or completing the project a condition of the Settlement Agreement.

INTERROGATORY NO. 20: Are all of the water rights subject to this settlement, except for those being allocated under NIIP and the Animas La Plata Project, being appropriated pursuant to New Mexico law? Please explain.

Answer: All of the water rights under paragraph 3 of the proposed Partial Final Judgment and Decree of the Water Rights of the Navajo Nation and under paragraph 3 of the proposed Supplemental Partial Final Judgment and Decree of the Water Rights of the Navajo Nation are federal reserved rights, and those under paragraph 4 of the proposed Supplemental Partial Final Judgment and Decree of the Water Rights of the Navajo Nation are based upon appropriation under state law.

INTERROGATORY NO. 21: Will the New Mexico State Engineer be requested to approve the transfer of any of the water diverted as part of the Navajo-Gallup Water Supply Project (NGWSP), from the San Juan Basin to the Zuni Basin in New Mexico? Please explain, including what is the position of the New Mexico State Engineer on this issue.

Answer: Permits to establish or change points of diversion for the Navajo-Gallup Water Supply Project will need to be approved by the State Engineer. Part III of the Northwestern New Mexico Rural Water Projects Act (Public Law 111-11, Title X, Subtitle B) authorized as part of the Navajo-Gallup Water Supply Project the diversion of water from the San Juan River Basin for municipal and domestic uses in the Little Colorado River Basin and the Rio Grande Basin within New Mexico as identified by the Preferred Alternative described in the “Planning Report and Final Environmental Impact Statement, Navajo-Gallup Water Supply Project, New Mexico-Arizona,” prepared by the US Bureau of Reclamation and dated July 2009. Based on the Planning Report and Final Environmental Impact Statement for the Navajo-Gallup Water Supply Project, it is anticipated that the amount of project water to be diverted from the San Juan River near Kirtland and exported from the San Juan River Basin to the Little Colorado River Basin in New Mexico upon full development of the project will be about 6,434 acre-feet per year for domestic uses in Navajo Nation communities plus another 7,500 acre-feet per year for municipal and industrial uses by the City of Gallup. In addition, it is anticipated that the project will divert about 1,119 acre-feet per year from Navajo Reservoir via the Navajo Indian Irrigation Project canal for Navajo Nation domestic uses in the Rio Grande Basin. The project pipelines have been sized and designed to provide these water delivery capacities. The water supply for the Navajo Nation’s project uses is to be provided under its Navajo Reservoir water supply contract with the United States signed December 17, 2010, and the water supply for the City of Gallup’s project uses is to be provided from the Navajo Reservoir supply under the Jicarilla Apache Nation’s “Settlement Contract,” dated December 8, 1992, in accordance with the “Water Supply Agreement between the City of

Gallup and the Jicarilla Apache Nation,” dated November 22, 2011 (a Navajo Reservoir water supply subcontract).

INTERROGATORY NO. 22: The diversion of water under the NGWSP for use by the Navajo Nation in the State of Arizona is contingent upon an accounting being made available to the State of Arizona of the use of the 1,200 acre-feet in Arizona being within the apportionments of the Colorado River Basin. If approval is not obtained for that use, or if such additional water is not available to the compact, please explain the consequences to the NGWSP.

Answer: If the conditions specified by section 10603(c) of the Northwestern New Mexico Rural Water Projects Act (Public Law 111-11, Title B, Subtitle X) for the use of Navajo-Gallup Water Supply Project water in the State of Arizona are not met, then no water can be diverted from the San Juan River or delivered by the project for those uses in Arizona. The failure to satisfy these conditions would not affect the diversion of water for Navajo-Gallup Water Supply Project uses in New Mexico, and would not void the Settlement Agreement. The project water allocation for Navajo Nation uses in Arizona is 6,411 acre-feet per year.

INTERROGATORY NO. 23: The settlement provides that transfer of water uses by the Navajo Nation to locations off Navajo lands would require approval of the State Engineer. Do such transfers include the lease of water by the Navajo Nation for use off of Navajo lands? Please explain, including whether such lease would require approval of the New Mexico State Engineer. What is the State Engineer’s position on approval of such leases?

Answer: The lease of water by the Navajo Nation for use off Navajo lands would not require approval of the lease by the State Engineer. However, any change in place or purpose of use of the leased water outside of lands held by the United States in trust for the Navajo Nation and any change in point of diversion would require approval by the State Engineer. See paragraph 17 of the proposed Partial Final Judgment and Decree of the Water Rights of the Navajo Nation. Such changes in place or purpose of use or point of diversion would need to meet the same conditions for approval as any other such applications to the State Engineer.

INTERROGATORY NO. 25: Proposed completion date of the 277.4 million dollar project of the NIIP is December, 2015. Please explain what happens to the 508,000 acre-feet per year, or portion thereof, which cannot be diverted due to lack of completion of project structures if funds are not appropriated in a timely manner to meet that completion date?

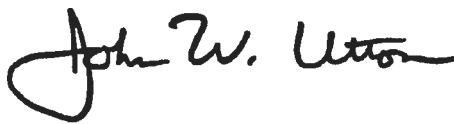
Answer. The State of New Mexico is not aware of any factual basis for the first sentence in this Interrogatory, or any requirement for the completion of the Navajo Indian Irrigation Project. The Northwestern New Mexico Rural Water Projects Act (Public Law 111-11, Title X, Subtitle B) does not affect the ongoing construction schedule or funding authorizations for the project, and it is anticipated that the project will not be completed until the early 2030's. The proposed water rights for the Navajo Nation's uses under the Navajo Indian Irrigation Project would not be affected if for any reason the project is not completed because completion of the project is not a condition of the Settlement Agreement or the Settlement Act.

Dated August 17, 2012

STATE OF NEW MEXICO

Two handwritten signatures in black ink. The first signature is a stylized 'A' followed by a horizontal line. The second signature is a stylized 'J' followed by a horizontal line.

Arianne Singer
Special Assistant Attorney General
New Mexico Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-6150

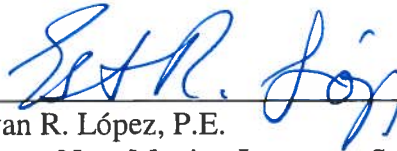
A handwritten signature in black ink that reads 'John W. Utton'.

John W. Utton
Special Assistant Attorney General
Sheehan & Sheehan, P.A
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VERIFICATION BY CERTIFICATION

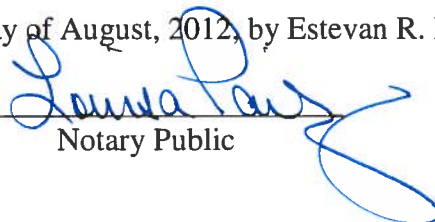
Estevan R. López, P.E. states that he is the Director of the New Mexico Interstate Stream Commission and Deputy State Engineer of the State of New Mexico, a named party in this action, and that he is the authorized agent for the purpose of executing this document on behalf of the State of New Mexico; that while he does not have personal knowledge of all facts recited in the *State of New Mexico's Answers to City of Aztec and City Of Bloomfield's First Set of Interrogatories and Requests For Production to the State of New Mexico*, the information contained therein has been collected and made available to him by counsel and employees of the Office of the State Engineer, and the *State of New Mexico's Answers to City of Aztec and City Of Bloomfield's First Set of Interrogatories and Requests For Production to the State of New Mexico* are true to the best of his knowledge and belief, based upon the information made available to him.

Accordingly, the undersigned, being first sworn upon oath, verifies on behalf of the State of New Mexico that the statements set forth in the *State of New Mexico's Answers to City of Aztec and City Of Bloomfield's First Set of Interrogatories and Requests For Production to the State of New Mexico* are true and correct, and hereby certifies the same, except as to matters stated to be on information and belief and as to such matters the undersigned certifies that he believes the same to be true.



Estevan R. López, P.E.
Director, New Mexico Interstate Stream Commission
Deputy New Mexico State Engineer

Subscribed and sworn to before me this 17 day of August, 2012, by Estevan R. López.



Notary Public