

OFFICE OF THE STATE ENGINEER

LITIGATION & ADJUDICATION

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DL Sanders Chief Counsel

February 26, 2010

MEMORANDUM

TO: John Stroud

FROM: Ben Wear

SUBJECT: Prior testimony and compensation for expert report

The purposes of this memorandum are (1) to inform you that I have not testified in any trial or deposition in the past four year; and (2) to report to you that I am a full-time salaried employee for the State of New Mexico's Office of the State Engineer and have received no additional compensation for creating this report nor do I expect to receive any additional compensation for trial or deposition testimony related to this report.