



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

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UNITED STATES OF AMERICA,

and

STATE OF NEW MEXICO ex rel.
STATE ENGINEER,

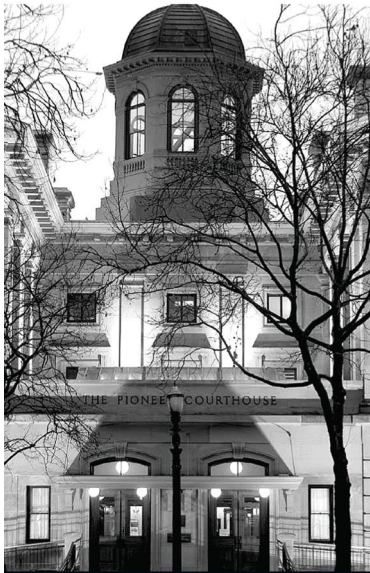
Plaintiffs,

No. 01cv00072-MV/JHR
ZUNI RIVER BASIN
ADJUDICATION
Subfile No. ZRB-1-0148

v.

A & R PRODUCTIONS, et al.,

Defendants.



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REMOTE DEPOSITION BY VIDEOCONFERENCE

WALTER L. MEECH

TAKEN ON
WEDNESDAY, FEBRUARY 3, 2021
1:09 P.M.

201 THIRD STREET NORTHWEST, SUITE 1750
ALBUQUERQUE, NEW MEXICO 87102

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1 perfect. Exhibit 5.
 2 And Greg, did you receive that as well?
 3 THE REPORTER: I do have it, yes. Thank
 4 you.
 5 MR. GOLLIS: Great. Thank you. And Ed?
 6 Okay.
 7 MR. BAGLEY: Sorry, I'm juggling here. I
 8 -- I think so.
 9 MR. GOLLIS: Okay. Great.
 10 BY MR. GOLLIS:
 11 Q. I'm sorry to interrupt. Mr. Meech, are
 12 you ready to proceed?
 13 A. Yes.
 14 Q. Great. And do you recall -- if you look
 15 at the last page of that four-page document, you'll
 16 see it also contains an "Acknowledgment for Natural
 17 Persons." And I take it that you, again, are the
 18 Walter L. Meech identified on that page who signed
 19 the declaration form. Is that correct?
 20 A. Yes.
 21 Q. And do you recall when Well G-337 was
 22 drilled?
 23 A. 1995.
 24 Q. And again if you take a look at Paragraph
 25 8 on that form which is on page 3, this, again, was

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1 an amendment after -- after the drilling of the
 2 well, and it indicates that the amendment was filed
 3 because the -- the pumping capacity of the well
 4 needed to be clarified as well as the intensity of
 5 the use. The pumping capacity it states "60 gallons
 6 per minute and the use is closer to 90 percent per
 7 year rather than the 60 percent." Does that sound
 8 familiar to you?
 9 A. Yes.
 10 Q. Okay. And I understand that Well G-337 is
 11 still operational. Is that correct?
 12 A. Yes.
 13 Q. Okay. And so at this point for purposes
 14 of operations at the Tinaja Pit Mine, for water
 15 supply purposes, you rely on Well -- exclusively on
 16 Well G-337.
 17 A. Yes.
 18 Q. Okay. Do you recall, Mr. Meech, what the
 19 source of water supply was at the mine prior to the
 20 drilling of those two Wells 336 and 337?
 21 A. It had no water except for ponding.
 22 Q. Okay. And I ask this question
 23 understanding that 336 currently isn't pumping, but
 24 do both wells have meters on them?
 25 A. Yes.

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1 Q. And can you recall for how long those
 2 wells have been -- have been metered?
 3 A. The meters were put on when the wells were
 4 put into service.
 5 Q. Okay. And -- and both wells have had
 6 meters on them continuously since that time?
 7 A. Yes.
 8 Q. Okay. Does C & E Concrete report those
 9 meter reads? Has over time, C & E Concrete reported
 10 those meter readings?
 11 A. They have, yes.
 12 Q. Okay. And to whom do you report -- do
 13 those meter readings get reported?
 14 A. State Engineer.
 15 Q. That's the New Mexico State Engineer's
 16 Office?
 17 A. Yes.
 18 Q. Okay. Let me ask you, if you wouldn't
 19 mind, to direct your attention to what's been marked
 20 Exhibit 5 for identification, which is a -- a series
 21 of four photographs of well meters.
 22 (WHEREUPON, Exhibit 5 was marked for
 23 identification.)
 24 BY MR. GOLLIS:
 25 Q. So if you'll take a look at those and have

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1 them handy for reference, I'd like to chat about
 2 those a little bit when you're ready.
 3 And the order of those -- just for the
 4 record -- and -- and -- and again these came from
 5 your legal counsel, the first one is a -- a large
 6 face. It's -- it's a "Model 55 Recordall" was the
 7 first page of the exhibit. The second one is also a
 8 Recordall. It's a smaller -- it's a smaller face in
 9 the photograph. It's a "Model 170 Recordall."
 10 MR. GOLLIS: And also, for the record,
 11 I'll just note that the footer at the bottom of each
 12 of these photographs identifies them as an "Exhibit
 13 O - Photos of Meters on Wells" and that description
 14 was provided by counsel of record for C & E
 15 Concrete.
 16 BY MR. GOLLIS:
 17 Q. The third one in the series is a -- a
 18 meter. The brand appears to be "CARLON" C-a-r-l-o-
 19 n. And then lastly, the fourth one is a meter that
 20 on the bottom, just above the number "50,"
 21 identifies, I think, the Brand as "HAYS," H-a-y-s,
 22 with an "05" above it."
 23 So when you've had a chance to just take a
 24 look at those, let me know and then we can proceed.
 25 A. Okay.

<p style="text-align: right;">30</p> <p>1 Q. Okay.</p> <p>2 A. Whenever you're ready.</p> <p>3 Q. Great. Thank you. So let's take a look</p> <p>4 first at the -- at the -- at the first photograph I</p> <p>5 mentioned which is the Model 55 Recordall, which</p> <p>6 also appears to be a -- a one-inch meter. The "1</p> <p>7 inch" appears just above and to the left of the word</p> <p>8 "Gallons."</p> <p>9 Are you able to -- to tell us which well,</p> <p>10 if any, this meter either is or was at some time in</p> <p>11 the past attached to?</p> <p>12 A. Being one inch, I would assume the G-336.</p> <p>13 Q. Okay. Do you know if that -- that meter</p> <p>14 is -- is currently attached to 336?</p> <p>15 A. I do not.</p> <p>16 Q. Okay. Do you know if that's the only</p> <p>17 meter since that well was drilled and installed</p> <p>18 that's been attached to 336?</p> <p>19 A. It is not.</p> <p>20 Q. Okay. If we can move now to the next</p> <p>21 photograph, which is the photograph of the other</p> <p>22 Recordall meter. It's the Model 170. And in this</p> <p>23 one, I'll note from the photograph, appears to be a</p> <p>24 two-inch meter. "2 inches" appearing again just</p> <p>25 above and to the left of the word -- the "G" in the</p>	<p style="text-align: right;">32</p> <p>1 Q. Okay. Is there anyone else at C & E</p> <p>2 Concrete who might have information with respect to</p> <p>3 the -- the meters on Well G-336 and G-337?</p> <p>4 A. No.</p> <p>5 Q. If I could direct your attention, Mr.</p> <p>6 Meech, to that third photograph which is the meter -</p> <p>7 - it's a Carlon meter. It looks like it's a one and</p> <p>8 -- one and one-half-inch meter which is denoted on</p> <p>9 the face of the meter to the left of the word "U.S.</p> <p>10 GALLONS."</p> <p>11 Would you know to which well this meter</p> <p>12 either is or has been in the past attached?</p> <p>13 A. Being one and a half, I -- I would assume</p> <p>14 the G-337, but I couldn't say for a fact.</p> <p>15 Q. Okay. So possible, but not sure.</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And how about, is it possible it</p> <p>18 also could have been attached at some point to</p> <p>19 G-336?</p> <p>20 A. No.</p> <p>21 Q. Okay. And it wouldn't have been attached,</p> <p>22 would it, to the third well that you had identified</p> <p>23 that's been used in connection with the tree farm?</p> <p>24 A. No.</p> <p>25 Q. Okay. And then lastly, I'll refer you to</p>
<p style="text-align: right;">31</p> <p>1 word "Gallons."</p> <p>2 Do you know which of the two wells, if at</p> <p>3 all, this meter either is or was in the past</p> <p>4 attached?</p> <p>5 A. The G-337.</p> <p>6 Q. Okay. Do you know if this is the meter</p> <p>7 that's currently attached to that well?</p> <p>8 A. I do not.</p> <p>9 Q. Okay. Do you know who at C & E Concrete</p> <p>10 would know the answer to that question?</p> <p>11 A. Probably Ed at the crusher.</p> <p>12 Q. Is that Ed Moreland?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Do you know if this Model 170</p> <p>15 Recordall two-inch meter that you associate with G-</p> <p>16 337 has been the meter attached to that well since</p> <p>17 it was drilled and put on line?</p> <p>18 A. It is not.</p> <p>19 Q. Okay. Is it possible that there has been</p> <p>20 a -- a change in meters since that well was</p> <p>21 initially drilled and installed?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And is that something that Mr.</p> <p>24 Moreland would possibly know?</p> <p>25 A. Possibly.</p>	<p style="text-align: right;">33</p> <p>1 that last photograph. It's the meter, the "HAYS"</p> <p>2 meter, which also on its face identifies itself as a</p> <p>3 one and-one-half-inch. Are you able to say to which</p> <p>4 well this meter may have been attached at some point</p> <p>5 in the future -- at some point in the past, excuse</p> <p>6 me.</p> <p>7 A. It would have had to have been the G-337</p> <p>8 for this size.</p> <p>9 Q. Okay. And that's based on the size? Is</p> <p>10 that correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. So again, that one as a one and a</p> <p>13 half inch, it wouldn't have been connected to G-336.</p> <p>14 Is that right?</p> <p>15 A. Correct.</p> <p>16 Q. And then, again, is there any chance that</p> <p>17 that HAYS one-and-a-half-inch meter would have been</p> <p>18 attached to that third well that's down near the</p> <p>19 tree farm?</p> <p>20 A. No.</p> <p>21 Q. Okay. Do you recall, Mr. Meech, how often</p> <p>22 those meters are read and the information is</p> <p>23 provided to the New Mexico Office of State Engineer?</p> <p>24 A. The meters are read once a month.</p> <p>25 Q. And read once a month and then information</p>