IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, and STATE OF NEW MEXICO, ex rel. STATE ENGINEER,	)	**No. CV 01-0072 MV/JHR**
Plaintiffs,	)	**ZUNI RIVER BASIN ADJUDICATION**
and	)	
ZUNI INDIAN TRIBE, NAVAJO NATION,	)	**Subfile No. ZRB-1-0148**
Plaintiffs in Intervention,	)	
v.	)	
A & R PRODUCTIONS, et al.	)	
Defendants.	)	

AFFIDAVIT OF WALTER L. MEECH

STATE OF NEW MEXICO)
) ss
COUNTY OF CIBOLA)

Walter L. Meech, having been duly sworn, deposes and states as follows:

1. I am over the age of eighteen years and have personal knowledge of the matters stated herein.

2. I am the President and owner of C&E Concrete, Inc., which was a family owned and operated business originally started by my parents Walter and Norma Meech, both originally defendants in this water adjudication subfile number until Walter Meech passed away.

3. This adjudication subfile concerns water rights that were originally developed by my parents through C&E Concrete, Inc.

4. C&E Concrete, Inc. mines and processes limestone for use as aggregate, sand, and gravel, and other limestone products.

5. The mining operation, known as Tinaja pit mine, is located southwest of Grants, New Mexico.

6. The mining and processing of limestone at Tinaja requires large amounts of water for mandatory dust abatement and processing of manufactured sand products.

7. Tinaja mine has about 100 million tons of limestone accessible for mining. If it is mined at a rate of 1,000,000 tons per year, the mine has an active life expectancy of 100 years or more.

8. Tinaja is an open pit mine, meaning that overburden is first removed from the mineral deposit, and the mineral then is removed. Over time, the mining and removal of the mineral results in a pit that grows larger and larger as more areas are mined.

9. As the pit area grows, access roads into the actively mined areas expand as well.

10. Tinaja has a Clean Air Permit administered by the New Mexico Department of Environment. The Clean Air Permit requires that dust at mining locations, haul roads, transfer locations, and other areas be suppressed by the application of water on those areas to preserve air quality.

11. Tinaja also has a sand and gravel washing operation that requires the application of water to the mined limestone in producing manufactured sand.

12. In anticipation of many years of mining and production activities at Tinaja pit, two wells were drilled on the property, the first in October 1988 (G-336), and the second well in October 1990 (G-337).

13. Both wells were drilled prior to the declaration of the extension of the Gallup Underground Basin on March 14, 1994.

14. Both wells were drilled for "dust abatement, road base, lab testing facility, commercial and domestic purposes, mining purposes, and a concrete batch plant." (Amended Declarations for wells G-336 and G-337).

15. The plan at the time of drilling each well was to steadily apply water diverted from the wells to beneficial uses at Tinaja pit for the declared purposes of mining and processing limestone.

16. Both wells were put into production for their declared purposes shortly after they were drilled.

17. Well G-336 was used for its declared purposes until it would no longer produce water.

18. Well G-337 continues to be used for its declared purposes on a near continuous basis.

19. Tinaja mine has been continuously mined and limestone products produced at the location since before the drilling of either G-336 or G-337.

20. The Meech family and CE&E Concrete, Inc. have used reasonable diligence to mine the Tinaja pit and place water from G-336 and G-337 to beneficial use for the declared purposes since the wells were drilled.

21. Placing water to beneficial use from Wells G-336 and/or G-337 has been pursuant to the plan to continue mining the Tinaja pit and processing the material until the mineral deposit is depleted.

22. The Meech family and C&E Concrete will continue to place water to beneficial use from well G-337 in the future in furtherance of the plan to continue mining and processing activities at Tinaja pit until the mineral deposit is depleted.

23. Well G-336 will also need to be rehabilitated in the future to provide additional water for mining and processing activities at Tinaja pit, also in furtherance of the plan to continue mining and processing activities at Tinaja pit until the mineral deposit is depleted.

24. Well G-336 was declared for the consumptive use of 10.16 acre-feet per annum, based upon pumping the well to full capacity for ninety percent (90%) of the time.

25. Well G-337 was declared for the consumptive use of 87.10 acre-feet per annum, based upon pumping the well to full capacity for ninety percent (90%) of the time.

26. The Meech family and C&E Concrete anticipate that the Tinaja pit will produce an average of 573,617 tons of material each year for the next fifty years.

27. Based upon our mining plan, the Meech family and C&E Concrete expect that an average of 91.78 acre-feet of water will be required each year for mining and production activities at Tinaja for the next fifty years.

28. Water requirements for mining, commercial, and domestic activities at Tinaja is expected to grow annually as the pit gets larger and product demand increases.

29. Water use from G-336 at Tinaja in the year 2002 was measured at 15.458 acre-feet.

30. Water use from G-337 at Tinaja in the year 2019 was measured at 61.76 acre-feet.

FURTHER AFFIANT SAYETH NAUGHT.

VERIFICATION

I Walter L. Meech, affirm under penalty of perjury under the laws of the State of New Mexico that the foregoing Affidavit is true and correct to the best of my information and knowledge.

Walter L. Meech

Subscribed and sworn before me by Walter L. Meech on this 22nd day of February 2021.

Notary Public

My Commission Expires:

10/21/22

Official Seal
BILLIE JO MACE
Notary Public
State of New Mexico
My Comm. Expires 10/21/22