



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,

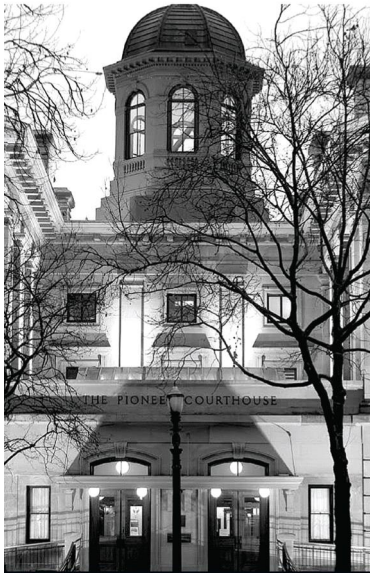
Plaintiffs,

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

v.

A & R PRODUCTIONS, et al.,

Defendants.



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EDWARD O. MORLAN

TAKEN ON
THURSDAY, FEBRUARY 4, 2021
1:02 P.M.

LAW AND RESOURCE PLANNING ASSOCIATES, PC
201 THIRD STREET NORTHWEST, SUITE 1750
ALBUQUERQUE, NEW MEXICO 97102

14	<p>1 Q. Generally speaking, it sounds like it 2 would be fair to say that you're -- you're in charge 3 up there at the Tinaja Pit? 4 A. I -- I am. 5 Q. Okay. And what's the current total number 6 of employees? 7 A. Twenty-two at this point. 8 Q. Including yourself? 9 A. Including myself. 10 Q. And who is -- who is your direct 11 supervisor? 12 A. Walter Meech and Chris Meech. 13 Q. Would you describe for us the extent to 14 which you use water in -- in mining operations up 15 there? And I think -- so what I'd like to do is 16 maybe separate out mining of the limestone material 17 from the processing of that material. 18 A. Okay. 19 Q. So if we started just with the mining, if 20 you could detail for us how water is used in that 21 operation. 22 A. Okay. We -- we start with -- with the 23 roads. We have, of course, haul roads that we have 24 contractors come in that we have to keep -- keep wet 25 down. And then we have all the roads within the</p>	16
15	<p>1 mine because we have haul trucks and loaders 2 accessing and running these roads as we're crushing; 3 so we have to keep those -- those watered as we're 4 going. 5 And then up in the mine itself where we 6 have shot the rock, what we do is we take the water 7 truck, and we attach a spray cannon, and we wet down 8 the shot rock that we're going to crush for the day; 9 and it's loaded onto the trucks. 10 It goes down a separate haul road and back 11 to the crusher, and then as it's being crushed and 12 going through conveyers and all our other points, 13 then we have spray nozzles and -- and other places 14 where we spray water and introduce water to it again 15 to keep dust down at our transfer points and -- and 16 all of our crushing points. 17 And then, of course, as it comes off, 18 sometimes -- it depends on the customer -- sometimes 19 we have to mix water with material again also. 20 And then -- then we have our -- our sand 21 washing plant where we produce all our -- our sand - 22 - all our manufactured sand. So, again, we 23 introduce water there as it's coming under the 24 screen and let the material -- basically run it over 25 the screens and wash everything out again.</p>	17
16	<p>1 Q. How about with respect to the crushing 2 operation itself on the processing side? How is 3 water employed there? 4 A. Okay. So we have transfer points where 5 maybe one conveyer drops to another the places that 6 we have the most problem with -- with dust. We have 7 a couple of other crushers that are in the system up 8 above, and we introduce water into each of those 9 crushers where it's pulverized into rock even 10 smaller, and so we get it from there. 11 Q. Are there any other processing operations 12 besides the crushing on-site and the sand? 13 A. Just the crushing and the sand. 14 Q. Okay. Let me ask -- ask you to take a 15 look at what's been marked for identification as 16 Exhibit 2, and it's a series of four photographs of 17 well meters. 18 MS. SCOTT: You can go on to Exhibit 5. 19 This is also Exhibit 2; so -- 20 THE DEPONENT: All right. Okay. 21 MR. GOLLIS: Yeah. We've used these -- 22 we've used these for a number of depositions, and 23 we're going to call them Exhibit 2 for yours, Mr. 24 Morlan, but they're the same. 25 (Whereupon, Exhibit 2 was marked.)</p>	17
17	<p>1 BY MR. GOLLIS: 2 Q. It's a series of photographs of four well 3 meters. The first one should be -- it's a Model 55 4 Recordall. That's the first one we'll talk about. 5 Do you see that one? 6 A. Yes. 7 Q. And then the second one will be the -- the 8 Model 170 Recordall. 9 Do you have that one there? 10 MS. SCOTT: It's a picture in that hand, 11 underneath. 12 THE DEPONENT: Oh, yeah, I have it. 13 BY MR. GOLLIS: 14 Q. Okay. And then the third will be the -- 15 the Carlon, C-a-r-l-o-n, the 1 1/2 inch Carlon. 16 Do you see that one? 17 A. Yeah. 18 Q. Okay. And then, finally, we'll talk a 19 little bit about that last one. It's another 1 1/2 20 inch. It looks like the manufacturer is Hays, 21 H-a-y-s. 22 A. Okay. 23 Q. You have it? 24 A. I have it. 25 Q. As part of your mine supervisory</p>	17

<p style="text-align: right;">18</p> <p>1 responsibilities, do you kind of oversee the wells?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Taking a look at that first</p> <p>4 photograph, the Model 55 Recordall water meter, does</p> <p>5 that -- is that meter currently attached to either</p> <p>6 Well 336 or 337?</p> <p>7 A. Yes. That -- that looks like 337, I</p> <p>8 believe.</p> <p>9 Q. And you -- and -- and that's the -- the</p> <p>10 meter currently attached to that well?</p> <p>11 A. Oh, no. I think I made a mistake on that</p> <p>12 one. That's a -- that's a 1 inch. The one on 337</p> <p>13 is a 2 inch.</p> <p>14 Q. Okay. Well, let me ask you this way: Of</p> <p>15 those photographs, which one do you -- which one do</p> <p>16 you think is currently attached to Well 337?</p> <p>17 A. The 2 inch.</p> <p>18 Q. Is that the Model 170 Recordall that --</p> <p>19 that appears to be a 2 inch meter based on --</p> <p>20 A. Yeah, I believe so.</p> <p>21 Q. Okay. Just going back for a moment to</p> <p>22 that Model 55 Recordall, which -- which I do see it</p> <p>23 indicates it's a 1 inch from the photograph -- well,</p> <p>24 actually, let me strike that. Let me ask you a</p> <p>25 question. I know it's nonoperational, but is there</p>	<p style="text-align: right;">20</p> <p>1 past?</p> <p>2 A. Yes. Yeah. Because it would have had to</p> <p>3 have been an inch and a half or a 2 inch over there</p> <p>4 at 337.</p> <p>5 Q. Okay. So that -- that well would not have</p> <p>6 been utilized with 336?</p> <p>7 A. No.</p> <p>8 Q. Okay. What is it about Well 336 that</p> <p>9 requires it have a -- requires it to have a 1 inch</p> <p>10 meter on it?</p> <p>11 A. It is -- it -- it just had a -- a small</p> <p>12 pump on it. It was -- I'm not even sure. It was</p> <p>13 maybe a -- a 2 horse. It was a small -- small pump.</p> <p>14 Q. Is the -- the meters on these wells -- are</p> <p>15 they attached? Well, where -- where -- where on the</p> <p>16 meter -- where on the well do you attach the meters?</p> <p>17 A. At the discharge at the head of the well.</p> <p>18 Q. During your employment -- 10 -- 10 to 11</p> <p>19 years of employment at the Tinaja Pit, has -- has</p> <p>20 the meter on Well 337 ever been changed or replaced?</p> <p>21 A. Yes.</p> <p>22 Q. Do you recall when that might have been?</p> <p>23 A. Oh, I can't give you dates, but it's --</p> <p>24 Q. Would it -- would it have been one</p> <p>25 replacement or more than one replacement during that</p>
<p style="text-align: right;">19</p> <p>1 a meter currently attached to Well 336?</p> <p>2 A. I believe there is.</p> <p>3 Q. Okay. Are you able to say if that meter</p> <p>4 currently attached to 336 is shown in any of these</p> <p>5 four photographs?</p> <p>6 A. I can't tell you for sure. I haven't been</p> <p>7 in that warehouse for quite sometime.</p> <p>8 Q. Okay. How about the other two</p> <p>9 photographs? The -- the Carlon meter, which is a 1</p> <p>10 1/2 inch and also the Hays meter, which is a 1 1/2</p> <p>11 inch.</p> <p>12 Would those meters have been used at any</p> <p>13 time in the past in connection with either Well 336</p> <p>14 or Well 337?</p> <p>15 Let's take -- let's take the Carlon first.</p> <p>16 Would that one have been used with either of those</p> <p>17 wells?</p> <p>18 A. Maybe for the small well. I'm not sure if</p> <p>19 it would have been used for 337 or not.</p> <p>20 Q. And which well are -- are you referring to</p> <p>21 when you say the small well?</p> <p>22 A. 336.</p> <p>23 Q. Okay. How about the Hays 1 1/2 inch</p> <p>24 meter? Would that have been used -- well, let's</p> <p>25 start first with -- with 337 -- at some point in the</p>	<p style="text-align: right;">21</p> <p>1 time?</p> <p>2 A. Since I've been here, it's been replaced</p> <p>3 more than once.</p> <p>4 Q. Back when Well 336 was operational, had</p> <p>5 that meter, during your term of employment, ever</p> <p>6 been replaced?</p> <p>7 A. Not by me.</p> <p>8 Q. Would anyone else during your term of</p> <p>9 employment been -- been charged with the</p> <p>10 responsibility to replace that meter besides you?</p> <p>11 A. On 337?</p> <p>12 Q. On 336.</p> <p>13 You said it hadn't been replaced -- I'm</p> <p>14 sorry. You said it hadn't been replaced by you.</p> <p>15 I'm just wondering if, during your term of</p> <p>16 employment, someone else would have replaced it</p> <p>17 without you knowing.</p> <p>18 A. I don't remember if we replaced it way</p> <p>19 back when or not.</p> <p>20 Q. But as my supervisor, I assume you would</p> <p>21 have been in the -- been part of that conversation</p> <p>22 --</p> <p>23 A. Yes.</p> <p>24 Q. -- about replacing it or not?</p> <p>25 A. Yes.</p>