

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

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/LFG

RIO CHAMA STREAM SYSTEM

Section 1, Chama Mainstream

MOTION TO APPROVE APPOINTMENT
OF RIO CHAMA WATERMASTER

The State of New Mexico, *ex rel.* State Engineer, by and through its undersigned counsel, moves the Court to approve the appointment by the State Engineer of Frank Scott as the water master of the Chama Mainstream Section of the Rio Chama Stream System, and in support of this motion states the following:

1. The Partial Final Judgment and Decree (“Decree”) entered on July 26, 1971 for the Chama Mainstream Section (Doc. 1778), requires that the State Engineer appoint a water master to assist in the administration and enforcement of the Decree “subject to the approval of the Court.” Decree at 6. The water master serves under the direction of the State Engineer and under the general supervision of the Court. *Id.* The duties of the water master include, but are not limited to: the inspection and approval of meter installations required by the provisions of the Decree; the maintenance of records of water diversions, the supervision of water rights adjudicated by the Decree, the

preparation of rules and regulations for the administration of the Decree, and the establishment of the rate of diversion for each ditch. *Id.*

2. Antonio Trujillo, the previously appointed water master for the Chama Mainstream Section, has taken a position with another state agency and is no longer employed by the Office of the State Engineer. In his place, the State Engineer has appointed Frank Scott to serve as the water master for the Chama Mainstream Section.

3. Mr. Scott was hired by the Office of the State Engineer (“OSE”) on March 1, 2014, to fill the vacant water master position created by the departure of Antonio Trujillo. Mr. Scott has a B.S. in geology from Georgia State University. Prior to his current employment with the OSE, Mr. Scott was employed by the Georgia Department of Transportation, Office of Environmental Services for 2 years, where he preformed project manager duties in connection with National Environmental Policy Act (NEPA) and Georgia Environmental Policy Act (GEPA) compliance. Previous to his employment with the Georgia Department of Transportation, he was employed by the OSE Water Rights Division in Santa Fe as an engineer specialist for over 5 years. While employed by the OSE, among other duties, he preformed basic geo-hydrologic computations and impairment studies and prepared recommendations on water rights applications, appeared as an expert witness in water rights application hearings before the State Engineer, conducted field investigations to confirm compliance with OSE permit conditions, preformed water level monitoring in the upper Rio Grande Basin, and tracked diversion metering records using the New Mexico Water Rights Reporting System Database. He also has been employed as a geologist by the Georgia Department of Natural Resources Environmental Projection Division and by Terrcon, Inc. for over 6 years.

4. Mr. Scott was introduced to the members of the Rio Chama Ditch Association at a public meeting held on March 17, 2014 to discuss the administration of water during the upcoming irrigation season. After a description of his experience and qualifications, there were no objections or concerns to his appointment voiced by the members in attendance.

WHEREFORE the State of New Mexico requests that the Court approve the appointment of Frank Scott as the water master for the Chama Mainstream Section.

Respectfully submitted,

/s/ Ed Newville

EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 telephone

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of March, 2014, I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Ed Newville
EDWARD G. NEWVILLE