

STATE OF NEW MEXICO
FIRST JUDICIAL DISTRICT
COUNTY OF SANTA FE

NORMAN GAUME,
Plaintiff,

v.

No. ~~D-101-CV-2014~~ D-101-CV-2014-02266

THE NEW MEXICO INTERSTATE
STREAM COMMISSION,
JIM DUNLAP, in his official capacity as
Chairman of the Commission,
THE GILA SUBCOMMITTEE OF THE
NEW MEXICO INTERSTATE STREAM
COMMISSION,
BUFORD HARRIS, in his official capacity as
Chairman of the Gila Subcommittee of the
Commission,
AMY HAAS, in her official capacity as
Acting Director of the Commission,
SCOTT VERHINES, in his official
capacity as New Mexico State Engineer and
Secretary of the Commission,
Defendants.

PETITION FOR TEMPORARY RESTRAINING ORDER,
PRELIMINARY INJUNCTION and PERMANENT INJUNCTION, and
COMPLAINT FOR VIOLATIONS OF THE NEW MEXICO OPEN MEETINGS ACT

COMES NOW, Norman Gaume, by and through his counsel Egolf + Ferlic + Day, LLC
(Brian Egolf), to petition this Court for a Temporary Restraining Order preventing the Defendants
from taking any action relating in any way to matters discussed or actions taken by the Gila
Subcommittee of the New Mexico Interstate Stream Commission (“the Subcommittee” herein) at
meetings of the Subcommittee that were held in violation of the New Mexico Open Meetings Act
or relating in any way to actions that by law should have received the Interstate Stream
Commission’s approval in an open public meeting but have not. Mr. Gaume further respectfully

requests that the Court enter preliminary and permanent injunctions against the Defendants prohibiting the conduct prevented by the Court's Temporary Restraining Order. Finally, Mr. Gaume respectfully requests that the Court, pursuant to NMSA 1978 § 10-15-3 (1997) ("the Act" herein), enter judgment in his favor and against the Defendants finding that the Subcommittee and the Defendants have violated the Act by formulating public policy, developing rules, discussing public business and taking other actions within their authority without providing reasonable notice to the public of the meetings and/or discussions and by holding meetings and/or discussions in private sessions not open to the public in violation of the Act. As remedy for the violations of the Act, Mr. Gaume respectfully requests that the Court find that all decisions and/or actions taken in violation of the Act be deemed void as a matter of law and award him his costs and reasonable attorney's fees. As ground for the petition, Mr. Gaume states the following:

Parties, Jurisdiction and Venue

1. Norm Gaume is a resident of Sandoval County, New Mexico.
2. The New Mexico Interstate Stream Commission ("the Commission" herein) is an instrumentality of the government of the State of New Mexico with its principal place of business in Santa Fe County, New Mexico.
3. Jim Dunlap is the Chairman of the Commission, whose official office is located in Santa Fe County, New Mexico.
4. Amy Haas is the acting Director of the Commission, whose official office is located in Santa Fe County, New Mexico.

5. Scott Verhines is the New Mexico State Engineer and by law also is the Secretary of the Commission, whose official office is located in Santa Fe County, New Mexico.
6. The proper venue for this matter is this Court pursuant to NMSA 1978 § 38-3-1(G) (1988).
7. This Court has jurisdiction as a Court of general jurisdiction in the State of New Mexico.

Facts

8. In 2004, the United States Congress passed, and the President signed, Public Law 108-451, the Arizona Water Settlements Act (“the AWSA” herein).
9. The AWSA resolved myriad legal issues regarding multiple waterways and water rights in Arizona and New Mexico.
10. The AWSA also reauthorizes New Mexico to develop the New Mexico Unit of the Central Arizona Project and provides an appropriation of federal funds to the State of New Mexico to spend on development of the Gila River and or otherwise meet water supply demands in Southwest New Mexico.
11. The AWSA appropriated as much as \$100 million in 2004 dollars to the State of New Mexico to be spent on water-related projects that may either divert water from the Gila River or that do not divert water from the Gila River.
12. The authority to decide whether or not to divert water from the Gila River is the State of New Mexico’s, and the ISC has assumed the authority to make the final decision, which is to be communicated to the Secretary of the Interior pursuant to the AWSA.
13. On November 22, 2010 the Chairman of the Commission appointed a “Gila Subcommittee” to study matters related to the AWSA, formulate policies and begin the

evaluation of various proposals for the use of federal funds provided to the State of New Mexico by the AWSA.

14. Since November 22, 2010, no public notice of meetings of the Subcommittee has been given, and none of the meetings of the Subcommittee have been open to the public.
15. Despite the lack of public notice and public meetings, information about the meetings and work of the Subcommittee can be found within the official minutes of the Commission, which make references to the Subcommittee.
16. The following are several examples of the Commission minutes referring to the Subcommittee:
 - a. February 6, 2011: the Commission discusses the need for additional meetings of the Subcommittee,
 - b. March 23, 2011: the Commission discusses the criteria developed by the Subcommittee for use in evaluating proposals for diversions of water from the Gila River under the AWSA.
 - c. June 21, 2011: extensive discussion of actions taken and discussions held by the Subcommittee; at least two agenda items indicated that the Subcommittee had made numerous decisions regarding the process by which the AWSA would be implemented and by which proposals for the use of federal funds would be evaluated; the minutes clearly indicate that the Commission took no action to adopt the work of the Subcommittee and instead considered the Subcommittee's actions and decisions to stand on their own,

- d. February 29, 2012: extensive references in the Commission's minutes to the existence and work of the Subcommittee,
- e. March 27, 2012: extensive references in the Commission's minutes to the existence and work of the Subcommittee; Open Meetings Act Resolution adopted (without any reference to meetings or work of the Subcommittee); comments from staff that the next Commission meeting would receive decisions from Subcommittee regarding new policies and procedure to be developed for proposal evaluations.
- f. October 2, 2012: reference in the Commission's minutes that the Subcommittee had been or would be solely responsible for allocating funds for certain fund transfers under the AWSA.
- g. January 16, 2013: the Commission's minutes reflect that additional authority had been requested by the Subcommittee/staff.
- h. December 1, 2013: the Commission's minutes reflect a decision by the Commission to reconstitute the Subcommittee; the Commission members delegate authority to the Subcommittee to evaluate proposals for the use of federal funds under the AWSA and give the Subcommittee the authority to review/approve all proposals.
- i. January 21, 2014: the Commission minutes reflect a report was made by the Subcommittee on its January 10, 2014 meeting.
- j. January 21, 2014: the Commission staff requested the Commission delegate authority to staff to "optimize" alternatives. The minutes indicate the Commission refused this delegation of authority to its staff and instead referred the matter to the

Subcommittee and indicated the Subcommittee would report back to the full Commission for approval. No such Subcommittee report or Commission approval was ever made. Commission staff and contractors subsequently have analyzed the “optimized” alternatives, thus indicating the substantive decisions were, in fact, made by the Subcommittee itself.

- k. March 26, 2014: the Commission’s minutes reflect a report was made by the Subcommittee on its March meeting; report clearly indicates that the Subcommittee discussed public business at its meetings.
 - l. May 20, 2014: the Commission’s minutes reflect that a Subcommittee meeting took place April 30, 2014 at which the Subcommittee gave direction to staff regarding funding and policy options to study.
 - m. June 12, 2014: the Commission minutes reflect that the Subcommittee had made extensive decisions regarding budget levels, contractor choices, and contracts for professional services in cooperation with Commission staff.
17. Undoubtedly, there were other meetings of the Subcommittee held in violation of the Act that cannot presently be identified because no mention of the meetings is made in the Commission’s minutes.
18. At least two large contracts were approved, on information and belief, by the Subcommittee at meetings held in violation of the Act. A seven hundred thousand dollar amendment to the ISC’s contract with a consulting engineer was approved with no public discussion or public meeting, and a “value engineering” consulting contract valued at one

hundred seventy thousand dollars was also approved with no public discussion or public meeting.

19. On information and belief, the Subcommittee will continue to meet, without public notice and in private meetings, and make additional decisions regarding the Gila River, the AWSA and whether to divert water from the Gila River.
20. On information and belief, the Subcommittee plans to make recommendations and/or decisions regarding the possible diversion of the Gila River pursuant to the provisions of the AWSA.
21. On information and belief, the Subcommittee, or the Commission acting on a recommendation of the Subcommittee, may meet at any time to make decisions regarding the implementation of the AWSA, the expenditure of federal or state funds, the criteria it intends to apply to proposals for the use of federal funds pursuant to the AWSA, and other matters relating to the Gila River.
22. Because meetings of the Subcommittee are not conducted in public and are not publicized prior to their occurrence, Subcommittee meetings could be scheduled to take place at any time.
23. On September 22, 2014, Mr. Gaume provided to the Commission, its Chairman, its acting director and its members a notice, pursuant to NMSA 1978 § 10-15-3(B) (1997), that many violations of the Act had occurred. A copy of the letter is attached hereto as Exhibit A.
24. The Defendants have not responded to the notice.

25. On September 23, 2014, the Commission's acting Director, Defendant Amy Haas, admitted that the Subcommittee 1) exists, 2) met without public notice, and 3) did not conduct meetings that were open to the public.

Count One: Temporary Restraining Order

26. The contents of paragraphs 1-25 are herein realleged.

27. Pursuant to Rule 1-066(B) NMRA, the Plaintiff respectfully requests that the Court issue a temporary restraining order preventing the Defendants from taking any action or making any decision related in any way to the AWSA or the Gila River.

28. Because the Subcommittee may meet at any time without public notice to discuss public business, take actions pursuant to the AWSA, or create new policy regarding proposals considered under the AWSA, there is an immediate risk of harm.

29. The harm threatened by the Subcommittee, and the Commission acting on recommendations of the Subcommittee, are further violations of the Act, improper spending of federal or state funds, violations of state policy in favor of giving the public access to the decision-making process of state government, and other harms.

30. Because the Commission could take action relying on recommendations or decisions made by the Subcommittee in violation of the Act, the Commission should also be enjoined in the same manner as the Subcommittee.

31. Because decisions of the Commission relating to the Gila River and/or the AWSA could result in a diversion of the Gila River, the expenditure of federal funds or encumbering the State of New Mexico with unknown future obligations, the threatened harm is irreparable.

The harm would be irreparable because once expended, the federal funds cannot be recovered, once diverted the Gila River will be permanently harmed, and once the State of New Mexico enters into binding agreements, they may not be subject to cancellation or amendment.

32. There is no adequate remedy at law for the immediate and irreparable harm threatened by the Defendants and, if the Court does not act to stop the Defendants from taking the actions described herein, immediate and irreparable harm will result. See, Affidavit of Norman Gaume, P.E., attached hereto as Exhibit B.
33. On October 13, 2014, counsel to Mr. Gaume complied with the requirements of Rule 1-066(B)(2) NMRA. See, Affidavit of Brian F. Egolf, Jr., attached hereto as Exhibit C.
34. Mr. Gaume, pursuant to NMSA 1978 § 10-15-3 (1997), has standing to bring this request for a temporary restraining order.

Count Two: Preliminary Injunction

35. The contents of paragraphs 1- 34 are herein realleged.
36. Pursuant to Rule 1-066(B) NMRA, the Plaintiffs respectfully move the Court for a preliminary injunction effective until a final decision is made on the merits of this case

Count Three: Permanent Injunction

37. The contents of paragraphs 1-36 are herein realleged.
38. Pursuant to Rule 1-066(B) NMRA, the Plaintiffs respectfully move the Court for a permanent injunction preventing the Defendants from taking any action or making any decision related in any way to the AWSA or the Gila River unless and until meetings held in full compliance with the Act can be held to review any and all actions previously taken by the Subcommittee in violation of the Act.

Count Four: Violations of the New Mexico Open Meetings Act

39. The contents of paragraphs 1- 38 are herein realleged.
40. The Act states that “it is declared to be public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. *The formation of public policy or the conduct of business by vote shall not be conducted in closed meeting.* All meetings of any public body except the legislature and the courts shall be public meetings, and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. Reasonable efforts shall be made to accommodate the use of audio and video recording devices.” NMSA 1978 § 10-15-1(A) (2013) (emphasis added).
41. The Subcommittee is a public body, as defined in the Act, because, among other things, it has made decisions and taken actions independent of the Commission.
42. The Act further states that “[a]ll meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state

agency or any agency or authority of any county, municipality, district or political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or taking any action within the authority of or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the Open Meetings Act.” NMSA 1978 § 10-15-1(B) (2013).

43. Regarding notice, the Act states that “[a]ny meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public.” NMSA 1978 § 10-15-1(D) (2013).
44. The Act also includes provisions setting forth the elements that must be included in the public notice and imposes a requirement that meetings be kept of all meetings. NMSA 1978 § 10-15-1 (F) & (G) (2013).
45. The Act provides exceptions to the open meeting requirements, none of which apply in this case. NMSA 1978 § 10-15-1 (H) (2013).
46. The Act states that “[n]o resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be valid unless taken or made at a meeting held in accordance with the requirements of [the Act].” NMSA 1978 § 10-15-3 (1997).
47. The Attorney General of New Mexico is given primary responsibility for enforcement of the Act. NMSA 1978 § 1-15-3 (B) (1997).

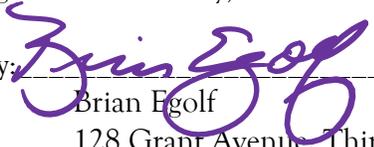
48. Pursuant to his duties, the Attorney General has published the “Open Meetings Act Compliance Guide,” which is used and relied upon by public official throughout New Mexico for guidance and instruction relating to the Act. Accessible at <http://www.nmag.gov/consumer/publications/openmeetingsactcomplianceguide>
49. The Guide states that meetings like the meetings of the Subcommittee are subject to the provisions of the Act. Guide at p. 9, example 8.
50. On multiple occasions, at least thirteen of which are described in paragraph sixteen of this complaint, the Subcommittee met without notice and without complying with the provisions of the Act, as admitted by Defendant Haas.
51. The subcommittee met in violation of the Act and took actions and adopted resolutions, rules, regulations or ordinances, including but not limited to, the development of application criteria, the acceptance of contract with entities outside state government and
52. The actions, resolutions, rules, regulations, and ordinances of the Subcommittee were never adopted by the Commission.
53. Pursuant to the Act, any “resolution, rule, regulation, ordinance or action” of the Subcommittee is invalid as a matter of law because none of the meetings were held in compliance with the Act.
54. NMSA 1978 § 10-15-3 (B) (1997) vests in members of the public the authority to enforce the provisions of the Act. Mr. Gaume has brought this action pursuant to this section of the law.
55. Pursuant to NMSA 1978 § 10-15-3(C) (1997), Mr. Gaume is entitled to receive his costs of action and his reasonable attorney’s fees.

WHEREFORE, Mr. Gaume respectfully requests that the Court enter a Temporary restraining Order as described above, a preliminary injunction as described above and a permanent injunction as described above. Mr. Gaume further respectfully requests that the Court enter judgment in his favor and against the Defendants on his claim of violations of the New Mexico Open Meetings Act finding that all actions taken and decision made in violation of the Act are void as a matter of law and further awarding him his costs and reasonable attorney's fees and any other relief as the Court determines to be appropriate.

Respectfully Submitted,

Egolf + Ferlic + Day, LLC

By:


Brian Egolf
128 Grant Avenue, Third Floor
Santa Fe, New Mexico 87501
Brian@EgolfLaw.com

Norman Gaume, P.E. (ret.)

44 Canoncito Dr NE • Albuquerque, New Mexico 87122 • 505 690-7768 • gaume@newmexico.com

September 22, 2014

Mr. Jim Dunlap, Chairman
Ms. Amy Haas, Acting Director & General Counsel
New Mexico Interstate Stream Commission
407 Galisteo Street,
Santa Fe, New Mexico 87501

Via Hand Delivery: To the Commission and its members at its September 22, 2014 Meeting

Re: Violations of the New Mexico Open Meetings Act

Dear Mr. Dunlap and Ms. Haas,

I write pursuant to NMSA 1978 § 10-15-3(B) (1997) to give you notice of the following violations of the New Mexico Open Meetings Act committed by both the New Mexico Interstate Stream Commission (the “ISC” herein) as well as its Subcommittee on the Gila River Diversion Project (the “Subcommittee” herein).

As you know, the ISC delegated authority to the Subcommittee to develop policies and take actions relating to the possible diversion of water from the Gila River pursuant to the Arizona Water Settlements Act (“AWSA” herein) that is currently being considered by the ISC. The Subcommittee has met repeatedly without public notice, without publishing minutes of the meetings, and without publishing agendas prior to the meetings. At the Subcommittee’s meetings, members discussed public business, took actions within the delegated authority of the ISC and formulated public policy relating to the Gila River and a possible diversion thereof pursuant to the AWSA. Every meeting of the Subcommittee violated NMSA 1978 § 10-15-1(B) (2013).

Because the meetings of the Subcommittee have been held in secret without public notice, it is not possible to provide at this time the dates of each meeting held in violation of NMSA 1978 § 10-15-1(B) (2013); that information is possessed, however, by those who participated in the Subcommittee meetings. By this letter, I give notice to all members of the ISC and the Subcommittee that each of the Subcommittee meetings in which they participated was held in violation of NMSA 1978 § 10-15-1(B) (2013). The following information is presented to you as the best evidence I can obtain of the meetings of the Subcommittee; the information is from published minutes of the ISC that refer to the Subcommittee’s meetings and activities:

1. November 22, 2010; ISC Chairman appoints Subcommittee.
2. February 6, 2011; ISC discusses the need for additional meetings of the Subcommittee.

Exhibit A

3. March 23, 2011; ISC discusses the criteria developed by the Subcommittee for use in evaluating proposals for diversions.
4. June 21, 2011; extensive discussion of actions taken and discussions held by the Subcommittee; at least two agenda items indicated that the Subcommittee had made numerous decisions regarding the process by which the AWSA would be implemented and by which proposals would be evaluated; the minutes clearly indicate that the ISC took no action to adopt the work of the Subcommittee and instead considered the Subcommittee's actions and decisions to stand on their own.
5. February 29, 2012; extensive references in ISC minutes to the existence and work of the Subcommittee.
6. March 27, 2012; extensive references in ISC minutes to the existence and work of the Subcommittee; Open Meetings Act Resolution adopted (without any reference to meetings or work of the Subcommittee); comments from staff that the next ISC meeting would receive decisions from Subcommittee regarding new policies and procedure to be developed for proposal evaluations.
7. October 2, 2012; reference in ISC minutes that the Subcommittee had been or would be solely responsible for allocating funds for certain fund transfers under the AWSA.
8. January 16, 2013; ISC minutes reflect that additional authority requested by the Subcommittee/staff.
9. December 1, 2013; ISC minutes reflect a decision by the ISC to reconstitute the Subcommittee; ISC members delegate authority to the Subcommittee to evaluate proposals under the AWSA and give the Subcommittee the authority to review/approve all proposals.
10. January 21, 2014; ISC minutes reflect a report was made by the Subcommittee on its January 10, 2014 meeting.
11. January 21, 2014; ISC staff requested the ISC delegate authority to staff to "optimize" alternatives. The minutes indicate ISC refused this delegation of authority and instead referred the matter to the Subcommittee and indicated the Subcommittee would report back to the full ISC for approval. No such Subcommittee report or ISC approval was ever made. ISC staff and contractors subsequently have analyzed the "optimized" alternatives.
12. March 26, 2014; ISC minutes reflect a report was made by the Subcommittee on its March meeting; report clearly indicates that the Subcommittee discussed public business at its meetings.
13. May 20, 2014; ISC minutes reflect that a Subcommittee meeting took place April 30, 2014 at which the Subcommittee gave direction to staff regarding funding and policy options to study.

14. June 12, 2014; ISC minutes reflect that the Subcommittee had made extensive decisions regarding budget levels and contractor choices in cooperation with ISC staff.

It is critical to note that, with regard to each of the Subcommittee meetings referred to or discussed by the full ISC, there was NO public notice for the Subcommittee meetings; the only way the public could learn of the Subcommittee's existence or work was through references made by the ISC members. Furthermore, this is a partial list of the meetings of the Subcommittee that I could compile from available public information; to the extent that there were other meetings of the Subcommittee that I have not included above, I am notifying you that those meetings were in violation of NMSA 1978 § 10-15-1(B) (2013).

The ISC also has violated Open Meetings Act by failing to approve or delegate authority to approve very large contracts, including the \$700,000 contract for Bohannon-Huston, Inc.'s "Phase II Engineering Evaluation" and the \$170,000 contract for RJH Consultants, Inc. to conduct value engineering. The ISC has held no discussion nor given any approval in an open public meeting regarding these contracts. The dollar amounts of these contracts are multiples of the ISC's delegated authority to the ISC Director to approve contracts. The March 27, 2012, minutes state, "Chairman Dunlap requested that Ms. Abeyta-Martinez explain the process of identifying the paper work trail that is submitted in order for the Commission to authorize expenditures." "Ms. Abeyta-Martinez explained that at the next ISC meeting, she will present the policies and procedures on how the ISC moves forward with projects....The Projects will presented (sic) to Commission for its approval sometime in May or June. She stated that Director Lopez has authority to approve contracts up to \$50,000 and loans up to \$100,000 which ISC staff requests annually." Subsequent minutes contain only vague information regarding work plans and do not address any ISC decision to approve or delegate authority to approve these contracts and other aspects of ISC contractor procurements.

I am notifying you that ISC's approvals of these and many other contracts outside an open public meeting and without delegation of authority given in an open public meeting are in violation of the Open Meetings Act.

Pursuant to the notices listed above, I am notifying you that each and every decision and action taken by the Subcommittee are void due to egregious violations of the Open Meetings Act.

Thank you for your attention to this matter.

Sincerely,



Norman Gaume, P.E. (ret.)

3. During my service, I became familiar with the processes followed by the Commission in developing policy, discussing public business and managing the affairs of the Commission.
4. I was, and remain, familiar with many of the employees who continue to work at the Commission, many of whom I hired to work for the Commission.
5. Over the past several months, I have reviewed the minutes of the Commission, and I have attend many meetings of the Commission.
6. During the meetings I attended, I became curious about the existence of the Gila Subcommittee ("the Subcommittee" herein) and decided to try to learn more about it.
7. My initial investigation, based on listening to Commission meetings and reviewing the Commission's minutes, revealed a pattern of Subcommittee meetings taking place in violation of the New Mexico Open Meetings Act ("the Act").
8. This knowledge concerned me a great deal because the public should have access to the meetings of a Subcommittee, especially one that discusses matters as important as the possible diversion of the Gila River and that makes decisions regarding, among other things, how to evaluate proposals for the use of many millions of federal and state dollars.
9. During my lifetime, I have taken river rafts, canoes and other non-motorized watercraft down the Gila River more than twenty times. I am intimately familiar with the river, its course through New Mexico, its wildlife and its impact on many areas and communities in New Mexico.
10. I understand the impact a diversion of the Gila River would have on those who enjoy the river for recreation, on the environment and on the wildlife that rely on the Gila.

11. As a professional engineer, I understand the enormity of the proposal to divert the river, the enormous cost that would be require, and the time it would take to complete a diversion.
12. As a former Director of the Commission and as a Professional Engineer, I understand that once made, a decision to divert the Gila will cause irreparable harm to public finances, to the Gila River itself, to the public's faith in its government and to third parties who may engage with the state in efforts to divert the Gila River.
13. Because the Subcommittee may meet at any time, in the mistaken belief that its meetings do not need to be publicly noticed, the harm threatened by the Subcommittee is an immediate threat.

FURTHER AFFLIANT SAYETH NAUGHT.



Norman Gaume

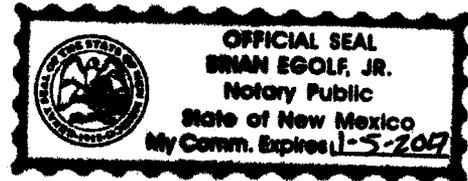
STATE OF NEW MEXICO)
)ss:
 COUNTY OF BERNALILLO)

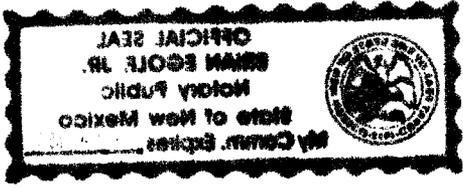
The affiant, Normal Gaume, subscribed and swore to the contents of this affidavit before me this 14th day of October, 2014.



Notary Public

My Commission Expires: Nov. 5, 2017





STATE OF NEW MEXICO
FIRST JUDICIAL DISTRICT
COUNTY OF SANTA FE

NORMAN GAUME,
Plaintiff,

v.

No. D-101-CV-2014-_____

THE NEW MEXICO INTERSTATE
STREAM COMMISSION,
JIM DUNLAP, in his official capacity as
Chairman of the Commission,
THE GILA SUBCOMMITTEE OF THE
NEW MEXICO INTERSTATE STREAM
COMMISSION,
BUFORD HARRIS, in his official capacity as
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AMY HAAS, in her official capacity as
Acting Director of the Commission,
SCOTT VERHINES, in his official
capacity as New Mexico State Engineer and
Secretary of the Commission,
Defendants.

AFFIDAVIT OF BRIAN F. EGOLF, JR.

STATE OF NEW MEXICO)
)ss:
COUNTY OF BERNALILLO)

Brian F. Egolf, Jr., on his oath, hereby states as follows:

1. My name is Brian F. Egolf, Jr.. I am a licensed attorney in the State of New Mexico. I state the following on my oath as a member of the bar.
2. I represent Norman Gaume in this case.

Exhibit C

3. On October 15, 2014 I attempted to reach Ms. Keitha Leonard, Esq., counsel to the Interstate Stream Commission, by phone (voice mail left at the phone number listed for her in the New Mexico State Bar Directory) and by email to her (to her address in the New Mexico State Bar Bulletin) at 9:54am.
4. Additionally, I copied Ms. Amy Haas, general counsel to the Interstate Stream Commission and acting director, on the email I sent to Ms. Leonard.
5. I believe that there is no adequate remedy at law to prevent the immediate and irreparable harm described by the complaint in this case as well as in the affidavit of the plaintiff, Mr. Norm Gaume.

FURTHER AFFIANT SAYETH NAUGHT.


Brian F. Egolf, Jr.