

**MINUTES OF THE  
2,163<sup>rd</sup> REGULAR MEETING  
OF THE  
BOARD OF DIRECTORS OF THE  
MIDDLE RIO GRANDE CONSERVANCY DISTRICT  
MAY 11, 2020**

**COVID-19 Response: This Meeting will be Held Telephonically Only  
The Office is Closed to the Public**

Directors having been duly notified; Madam Chair Dunning called the regular meeting to order at 3:02 pm at the MRGCD General Office. The following Directors and Staff were present:

<b>DIRECTORS</b>		<b>STAFF</b>	
Karen Dunning, Madam Chair	Present	Mike Hamman	Chief Engineer/CEO
Joaquin Baca, Vice-Chair	Present	Dr. Chuck DuMars	Chief Water Counsel
John Kelly, Director	Present	Lorna Wiggins	General Counsel
Valerie Moore, Director	Present	Pamela Fanelli	Secretary-Treasurer
Michael T. Sandoval, Director	Present	Jason Casuga	Chief Operating Officer
Barbara Baca, Director	Present	David Gensler	Water Operations Manager
Stephanie Russo Baca, Director	Present	DeAnna Philips	GIS Tech/Board Liaison
		Anne Marken	Hydrologist I

The following names of individuals were interested viewers and/or participants:

Viola Sanchez, Bureau of Indian Affairs	Estella Gamboa, MRGCD
Jennifer Faler, Bureau of Reclamation	Casey Ish, MRGCD
Jeff Willis, AMAFCA	Alicia Lopez, MRGCD
JoAnn McNiel, Peralta Property Owner	Mike Padilla, MRGCD
Becky Burnham, MRGCD	Adrienne Martinez, MRGCD
Melin Villegas-Vargas, MRGCD	John Thompson, MRGCD Lobbyist
Judy McSweeney, MRGCD	Yasmeen Najmi, MRGCD
Daniel Arquero, MRGCD	

**AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE**

Madam Chair Dunning led the Pledge of Allegiance at today's meeting.

Madam Chair Dunning declared a quorum and noted that the meeting was publicly noticed. Due to COVID-19, the meeting was held telephonically. All Board Members and staff identified themselves on the call and also gave the phone number they were calling in from. Members of the public that called in were asked to identify themselves, identify their phone numbers, as well as note if they intended to address the Board under "Items from the Floor."

Since today's meeting is being held telephonically, all votes taken by the Board for today's meeting will occur via rollcall vote.

A sad note today was that Director Sandoval's twin brother passed away. The Board, legal counsel, and senior staff delivered food items as well as flowers. Director Sandoval expressed his appreciation.

Chair Dunning welcomed and congratulated the new Secretary-Treasurer, Pamela Fanelli. Mike Hamman noted the changes from the reorganization approved at last month's meeting to include Jason Casuga as the new COO, David Gensler now over the Conservation Program,

and Doug Strech now part of Special Projects. The District will be hiring a new Engineering/Mapping Manager to complete the reorg.

### **AGENDA ITEM NO. 2 – APPROVAL OF THE MRGCD BOARD MEETING AGENDA**

Madam Chair Dunning asked that the following changes occur:

- Move Item 9b. (Approval of the Finance Committee Report on May 5, 2020) to 6c. (Review and Discussion and Approval of the FY21 Budget)

Director Moore made the **MOTION TO APPROVE THE MEETING AGENDA WITH THE ABOVE-NOTED CHANGES**. Director Kelly seconded the motion.

Rollcall vote was administered.

Director Baca	Yes	Vice Chair Baca	Yes
Director Sandoval	Yes	Director Moore	Yes
Director Kelly	Yes	Director Russo Baca	Yes
Madam Chair Dunning	Yes		

The **MOTION CARRIED unanimously**.

### **AGENDA ITEM NO. 3 – CONSENT AGENDA**

- Consideration/Approval of Payment Ratification - May 11, 2020
- Consideration/Approval of April 2020 Invoice for Wiggins Williams & Wiggins
- Consideration/Approval of April 2020 Invoice for Law & Resource Planning Associates
- Consideration/Approval of Minutes for Regular Board Meeting - April 13, 2020
- Memo on MRGCD Approved Licenses for April 2020 (For Informational Purposes Only)

No discussion or questions were raised with the Consent Agenda.

Director Moore made the **MOTION TO APPROVE THE CONSENT AGENDA**. Director Sandoval seconded the motion.

Rollcall vote was administered.

Director Baca	Yes	Vice Chair Baca	Yes
Director Sandoval	Yes	Director Moore	Yes
Director Kelly	Yes	Director Russo Baca	Yes
Madam Chair Dunning	Yes		

The **MOTION CARRIED unanimously**.

### **AGENDA ITEM NO. 4 – ITEMS FROM THE FLOOR (Comments are held to six (6) minutes)**

#### **JoAnn McNeil**

Ms. McNeil lives in Peralta owning 5 acres near the Hell Canyon Lateral. They do not live on the property that is being irrigated. Mr. McNeil irrigates at 3 to 4am and stays nearby to avoid any disruptions. She stated they love the gates, but their main problem is access to the system as the gates are locked. They have no key or combination to these locks. Jason Casuga responded that currently the District is working on new policy regarding access. He suggested

a temporary solution would be to have the ditch rider unlock the gates the night before, and after the McNeil's are done irrigating, to make sure they secure the gates. Ms. McNeil agreed this was something that could work for them.

## **AGENDA ITEM NO. 5 – REPORT(S) FROM THE DEPARTMENT OF THE INTERIOR**

### **a. Bureau of Reclamation - Jennifer Faler, Area Manager**

Jennifer Faler reported that they are making good progress on Phase I of title transfer. They are not able to transfer any title of things on pueblo lands; however, the focus is on south of Isleta Pueblo in Phase I, along with strips of levee that are in the Corps of Engineers' levee project. They are concurrently working on the contributed funds agreement. No plans are being made yet for Phase 2 or future phases.

Ms. Faler believes the Board is fairly up to speed insofar as El Vado Safety of Dams. They are close to awarding an engineering support contract. They called it a design build contract wherein the construction contractor and design entity can work closely together to complete all specs and procedures for constructing the liner that is going on the dam. Target date of spring 2021 to begin construction. Ms. Faler was not yet able to identify the design build team.

Ms. Faler thanked the Board for its support in the Middle Rio Grande pilot leasing program. She knows there are a lot of issues coming up, and she knows the group is working through some complexities. They are hoping these will be good tools for the District and the farmers in the future.

The semiannual biological opinion coordination meeting with the Fish and Wildlife Service is scheduled for next week. That's when the BO partners meet with the Service to let them know how things are going and what progress has been made. They are still working on the 2019 annual report, but they are hoping to wrap that up before next week's meeting.

Regarding water operations, Ms. Faler gave one quick plug for the District helping them out with the Socorro Hub project that was constructed last year with District funds, along with a Reclamation grant. That hub looks to be up and running and helping to manage the drying in the San Acacia Reach.

Last month, Ms. Faler reported that they anticipated a full allocation on the San Juan Chama project. In just 30 days, that has changed drastically. On May 15<sup>th</sup>, they will allocate another 9,000 acre-feet, for a total of 53,000 acre-feet of the 96,000 that would be a full allocation.

Regarding El Vado, there is 60,000 in storage of which approximately 54,000 is native (last week's numbers). They have not (as of today) tagged the P&P water. That will be a request from BIA to Reclamation of about 20,000 acre-feet. Once that formal request is submitted, they will tag the P&P water, and it will come out of that native El Vado pot, with the rest being MRG storage of the native water and our environmental water.

Regarding the El Vado Sedimentation Survey, Ms. Faler said since the previous reservoir survey in 2007, 167 acre-feet of storage loss has occurred below top of dead pool elevation 6,775 feet (RPVD). However, below maximum water surface elevation 6,908.6 feet, the 2018 analysis estimated a storage increase of 1,001 acre-feet since 2007. The estimated gain in storage capacity at higher elevations is likely due to lower reservoir operation levels since the previous survey.

Dr. DuMars questioned Ms. Faler regarding the reimbursement agreement for the Bureau's efforts in moving title over to the District; if this would be an environmental assessment or what was anticipated. Ms. Faler responded that part of the Phase 1 driver was an act that came through Congress, the Dingle Act, which allowed a streamlining process for title transfer. That was how the Bureau selected Phase 1. Part of the Act required Reclamation to develop a categorical exclusion, therefore there's an approved categorical exclusion category for those transfers. She answered that it will be a categorical exclusion. Dr. DuMars stated that would be very helpful.

Director Moore asked once El Vado is repaired how much storage space will there be. Ms. Faler responded that it is currently operating under storage restriction. The project will be restoring the original storage amount, which is about 180,000 acre-feet. We should be gaining about 60,000 to 70,000 acre-feet.

**b. Bureau of Indian Affairs - Viola Sanchez, Designated Engineer**

Viola Sanchez reported on El Vado Rio Grande and San Juan-Chama storage and suggested that the board follow along viewing the three graphs sent to Board members prior to the telephonic meeting. She reported that the final storage computation is 20,095 acre-feet for this year, including evaporation. The minimum that we would store would be about 14,300, plus evaporation. For the May to July forecast, we came in at 30% of the average (in 2018, it was 8% of average). The graph entitled MRGCD-San Juan Chama Storage 2020 shows the allocation to be about 24,000 this year.

She has shared this information with the tribes so they can realize that, even though this is not the driest of years, it is a year where we did not start out with that much storage, which will make it a tough year. Insofar as how the P&P is used for storage during the irrigation season, she has requested that tribes send letters requesting releases. She believes that given this situation, it looks like everything is going to come out of storage this year. She is not sure it is worth pursuing the kind of agreement again where we swapped the P&P for San Juan-Chama water.

As far as the new contract, she is writing it up, and she is almost done with it. She will send it to the tribes for review. Then we can all start sitting down, sharing, and talking about it.

**AGENDA ITEM NO. 6 – REVIEW AND DISCUSSION AND APPROVAL OF THE MRGCD FY21 BUDGET**

**a. Discussion and Concurrence of 3<sup>rd</sup> Quarter Financials - Pamela Fanelli, Secretary/Treasurer**

Pamela Fanelli explained the third quarter budget and the financial information.

**Middle Rio Grande Conservancy District**  
**Comparison of FY 19 to FY 20 Actual Revenues & Expenditures**  
**For the Periods Ending March 31, 2019 and 2020**  
**(Unaudited)**

Revenues	Fiscal Year 2019	Fiscal Year 2020	Increase (Decrease) FY20 over FY19
Ad Valorem	11,540,542	11,891,005	350,463
Water Service Charge	1,753,040	1,859,538	106,497
Ad Valorem Interest	146,747	143,018	(3,728)
Water Bank Fee	287,141	286,912	(229)
Interest on Investments	252,079	257,731	5,652
Contract with Federal Government Entities	541,383	541,383	-
Contract with Local Government Entities	-	-	-
Operation and Capital Grants	1,392,374	1,104,671	(287,703)
Land Sales	-	-	-
Other	117,936	263,348	145,412
<b>Total Revenues</b>	<b>\$ 16,031,242</b>	<b>\$ 16,347,606</b>	<b>316,364</b>

Expenditures	Fiscal Year 2019	Fiscal Year 2020	Increase (Decrease) FY20 over FY19
Personnel Services	6,391,909	6,753,028	361,119
Employee Benefits	2,777,901	2,912,271	134,370
Employee Costs	103,497	149,953	46,456
Services	939,993	1,277,033	337,039
General & Administrative Expenses	193,717	274,690	80,974
Technology & Communication	228,794	237,444	8,651
Bank and Other Fees	16,869	22,123	5,253
Ad Valorem Collection Fee	241,850	249,348	7,498
Debt Payments	362,189	25,522	(336,667)
Utilities	75,874	76,702	827
Facility O & M	360,993	433,330	72,337
Division Expense	317,165	252,110	(65,054)
Vehicle & Equipment O&M	891,055	915,407	24,353
Federal O&M Services	624,451	667,540	43,089
Capital Outlay	1,482,880	116,497	(1,366,383)
Operation and Capital Grants	540,280	68,853	(471,427)
Special Projects	413,602	715,888	302,286
<b>Total Expenses</b>	<b>\$ 15,963,018</b>	<b>\$ 15,147,740</b>	<b>(815,278)</b>

**Middle Rio Grande Conservancy District  
Budget to Actual Comparison  
For Fiscal Year 2020  
(Unaudited)**

Revenues	Budget	Revised Budget	Revenues Recognized	Encumbrances	(Under) Over Budget
Ad Valorem	18,585,269	18,585,269	11,891,005	-	6,694,264
Water Service Charge	2,285,825	2,285,825	1,859,538	-	426,287
Ad Valorem Interest	250,000	250,000	143,018	-	106,982
Water Bank Fee	385,000	385,000	286,912	-	98,088
Interest on Investments	400,000	400,000	257,731	-	142,269
Contract with Federal Government Entities	721,843	721,843	541,383	-	180,460
Contract with Local Government Entities	297,668	297,668	-	-	297,668
Operation and Capital Grants	130,000	130,000	1,104,671	-	(974,671)
Land Sales	-	-	-	-	-
Other	148,500	148,500	263,348	-	(114,848)
<b>Total Revenues</b>	<b>\$ 23,204,105</b>	<b>\$ 23,204,105</b>	<b>\$ 16,347,606</b>	<b>\$ -</b>	<b>6,856,499</b>
Expenditures	Budget	Revised Budget	Expenses Recognized	Encumbrances	Under (Over) Budget
Personnel Services Total	9,565,752	9,467,105	6,753,028	-	2,714,077
Employee Benefits	4,069,751	4,119,398	2,912,271	81,158	1,125,970
Employee Costs	266,222	257,376	149,953	19,122	88,300
Services	1,715,718	1,699,596	1,277,033	340,447	82,116
General & Administrative Expenses	297,402	360,547	274,690	36,520	49,336
Technology & Communication	336,770	318,333	237,444	16,834	64,055
Bank and Other Fees	22,500	22,196	22,123	-	74
Ad Valorem Collection Fee	373,250	373,250	249,348	-	123,902
Debt Payments	439,945	447,043	25,522	7,813	413,707
Utilities	112,270	106,240	76,702	-	29,539
Facility O & M	369,350	523,930	433,330	14,202	76,397
Division Expense	476,150	379,447	252,110	66,895	60,442
Vehicle & Equipment O&M	1,350,490	1,369,064	915,407	63,612	390,045
Federal O&M Services	886,746	886,746	667,540	-	219,206
Capital Outlay	552,000	879,012	116,497	625,197	137,318
Operation and Capital Grants	140,000	165,191	68,853	-	96,338
Special Projects	2,181,250	1,781,091	715,888	16,371	1,048,832
<b>Total Expenses</b>	<b>\$ 23,155,566</b>	<b>\$ 23,155,566</b>	<b>\$ 15,147,740</b>	<b>\$ 1,288,173</b>	<b>6,719,654</b>

Director Kelly made the **MOTION TO APPROVE THE THIRD QUARTER FINANCIALS AS PRESENTED**. Director Moore seconded the motion.

Rollcall vote was administered.

Director Baca	Yes	Vice Chair Baca	Absent
Director Sandoval	Yes	Director Moore	Yes
Director Kelly	Yes	Director Russo Baca	Yes
Madam Chair Dunning	Yes		

The **MOTION CARRIED**.

**b. MRGCD Finance Committee Report and Memo to the Board of Directors, May 5, 2020 - Directors Kelly, Moore, and Baca**

Director Kelly spoke for the Finance Committee and made the following recommendations to move from future fiscal years to this year's fiscal year, since there is a surplus of \$1.24M in this year's budget. The recommendations total \$950,000. There is a list of the available MRGCD revenues that is about \$10M right now. When we do a year-end transfer of \$290,000 to the capital reserve fund, we will be over \$10M. There are very good reserves backing up this recommendation.

- Split the amount between long-term capital needs and operational equipment, which is detailed into the categories, finishing the remodel work at the main office, at the Belen office, and then building a tool for infrastructure assessment.

- On the operational side, online payments and online and remote customer support for the licensing system.
- Equipment and furniture for the office.
- MRGCD's share of the Atrisco Heritage safety project to match the city and the county's plan contributions.

Directors Moore and Baca both expressed their support with everything discussed within the Finance Committee meeting.

Director Kelly made the **MOTION TO APPROVE THE FINANCE COMMITTEE RECOMMENDATIONS IN EXPENDITURES UTILIZING THIS YEAR'S SURPLUS BUDGET, PER THE MEMO PRODUCED BY THE FINANCE COMMITTEE.** Director Baca seconded the motion.

Rollcall vote was administered.

Director Baca	Yes	Vice Chair Baca	Yes
Director Sandoval	Yes	Director Moore	Yes
Director Kelly	Yes	Director Russo Baca	Yes
Madam Chair Dunning	Yes		

The **MOTION CARRIED unanimously.**

**c. Review and Discussion and Approval of the FY21 Budget - Pamela Fanelli, Secretary/Treasurer**

Pamela Fanelli reported the FY21 is projecting a balanced budget with no surplus. Revenues are \$24.2M, and the expenditures are \$24.2M. This budget was presented to the finance committee on May 5<sup>th</sup>, with the final budget being discussed at today's meeting.

Director Kelly commended Director Moore for proposing the suspension or keeping the water service charge at the same rate which the committee supported. Director Moore expressed her gratitude for the board's support due to the farming and ranching communities having a tough time now.

Director Baca commended the good work that the District's staff, Mike (Hamman), Jason (Casuga), Becky (Burnham) and Melin (Villegas-Vargas), in the absence of a CFO and then Pam (Fanelli) coming in on her very first couple of days and helping to prepare today's presentation.

Director Kelly made the **MOTION TO APPROVE THE FY21 BUDGET, AS PRESENTED, AND APPROVE THE FINANCE COMMITTEE REPORT FROM THE MEETING OF MAY 5, 2020.** Director Baca seconded the motion.

Rollcall vote was administered.

Director Baca	Yes	Vice Chair Baca	Yes
Director Sandoval	Yes	Director Moore	Yes
Director Kelly	Yes	Director Russo Baca	Yes
Madam Chairwoman	Yes		

The **MOTION CARRIED unanimously.**

**d. Consideration/Approval of FY21 Budget Resolution BA-05-11-20-80 - Pamela Fanelli, Secretary/Treasurer**

No discussion ensued regarding the Resolution, as it was discussed in the above items.

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT  
BUDGET ADOPTION FISCAL YEAR 07-01-2020 TO 06-30-2021**

**No. BA-05-11-20-80**

**WHEREAS**, the staff of the Middle Rio Grande Conservancy District, State of New Mexico (the "District"), has prepared a budget for fiscal year 2020/2021; and

**WHEREAS**, said budget was developed on the basis of need following consultation with all departments, department supervisors and the Finance Committee of the Board of Directors; and

**WHEREAS**, the Board of Directors, being the Governing Body of the District, discussed and evaluated the budget at a regular meeting held on May 11, 2020; and

**WHEREAS**, the Board of Directors has determined that the assessed property tax mill rates will remain unchanged for the fiscal year 2020/2021 budget, and

**WHEREAS**, the Water Service Charge provided for under Section 73-18-8.1 (C) NMSA 1978 provides for the District to increase the Water Service Charge by a parity index or an appropriate inflation index at year end which the District implemented beginning with FY 2015, and

**WHEREAS**, the District has increased the Water Service Charge annually in recent years in accordance with Board of Directors Resolution No. BA-05-27-14-67 when the Board first authorized the "catch up" rate of a \$3.00 annual increase to the current charge of \$43.83 per acre to bring it more in line with the inflation index increases that should have occurred since 1995, and

**WHEREAS**, due to the uncertainties of the COVID-19 response on the farm economy, the Finance Committee recommends suspending the statutorily authorized inflation indexing of Water Service Charge in FY21 and keeping the rate at \$43.83 for the upcoming year with the understanding it will be reviewed prior to the FY22 budget submittal.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors, being the Governing Body of the Middle Rio Grande Conservancy District, hereby adopts the fiscal year 2020/2021 budget as presented, and directs the Chief Executive Officer and Treasurer of the District to request approval from the Local Government Division of the Department of Finance and Administration with mill rates of 5.0693 mills for Residential Property and 6.3334 mills for Non-residential Property (unchanged from fiscal year 2020/2021) and the Water Service Charge remaining at \$43.83 per acre to be effective January 1, 2021.

Director Kelly made the **MOTION TO APPROVE FY21 BUDGET RESOLUTION BA-05-11-20-80**. Director Moore seconded the motion.

Rollcall vote was administered.

Director Baca	Yes	Vice Chair Baca	Yes
Director Sandoval	Yes	Director Moore	Yes
Director Kelly	Yes	Director Russo Baca	Yes
Madam Chair Dunning	Yes		

The **MOTION CARRIED unanimously**.



**AGENDA ITEM NO. 7 – REPORT(S) FROM THE CHIEF ENGINEER (Mike A. Hamman)****a. Report on Water Supply Conditions and General Water Operations - David Gensler, Water Operations Division Manager**

Just last month, David Gensler reported a lackluster but adequate expected runoff. The NRCS has now released the May forecast numbers, and the downturn in one month's time is staggering. El Vado inflow this spring is now forecast to be just 81,000 acre-feet March through July, about 36% of average (half of what was expected last month). This is pretty bad news for the MRGCD. There is no reasonable expectation of filling El Vado this spring, even to that restricted capacity of 114,000 acre-feet. La Puente peaked about ten days ago, and the main stem peaked about seven days ago. El Vado now contains about 60,000 acre-feet of Rio Grande water. There will probably be a little bit more inflow to El Vado; however, we do not know how much more. Regardless, we are facing the 2020 irrigation season with a lot less storage than we expected to have.

On the San Juan-Chama side, we are expecting to get a full allocation. What does that do for our prospects? It leaves San Juan-Chama, which Mr. Gensler was banking on, at 30,000 to 35,000 acre-feet available this year, probably somewhat less than that, and then any more Rio Grande water that we manage to stash away up at El Vado. Of that 60,000 acre-feet of Rio Grande water currently on hand, we have a Rio Grande Compact debit of about 38,000 acre-feet. We need to keep some tucked away up there to cover that debt. How exactly that will shake out this summer will depend somewhat on what happens in the next few weeks.

BIA has computed a P&P reserve totaling just over 20,000 acre-feet. Mr. Gensler doesn't view the Rio Grande water currently in El Vado as pueblo storage per se. We get a reserve number from BIA. It's all Rio Grande water stored under the permit. This water was stored normally out of Article VII restrictions. He expects we will begin using Rio Grande and San Juan-Chama water somewhat interchangeably from here on out, working with the pueblos and BIA to keep a reserve on hand throughout the summer to correspond with BIA's numbers. Of course, those numbers get smaller and smaller as we go through the seasons. Every time we pass a certain milestone, the end of the month, that's a little less reserve we have to keep up there.

Operationally, we're already hunkered down, preparing for the worst. From here on out, we will be running the entire valley as tightly as possible, not that we don't always pay attention to every drop, but there will be an extra effort now, given the lack of supplemental storage. We've already started rotating side to side down at Isleta Dam and to some extent between the Belen and Socorro divisions. Word has gone out to water ops staff to get serious and conserve everything we can. We are just going to have to survive on much smaller releases than we enjoyed last year.

Mr. Gensler has been looking a little bit at this in terms of how it compares to 2018. We're still in a lot better shape in terms of the runoff and stream flows now than we were two years ago. However, we had a lot more storage going into that year. For comparison, we exhausted all of our Rio Grande storage on May 23<sup>rd</sup> in 2018. We were looking at a May 1 forecast for 2018 at 25% of average for that March through July period versus 36% of average for this year (on the Chama). Over on the main stem at Otowi, things are really much better this year than they were in 2018. In 2018, we had a total volume of 132,000 acre-feet and 18% of average. This year, we're looking at a total volume of 260,000 acre-feet and 36% average. So, about double what we had in 2018. Pretty grim for us, but not as bad as it's been in the past.

The big issue facing us right now is going to be the water bank. A curtailment is imminent. We don't currently meet the storage threshold necessary to permit water bank delivery, but we do currently meet the stream flow threshold. That threshold today is 900 cubic feet per second. And our current computed inflow value today is about 1300 cubic feet per second. The flows are trending downwards, and those thresholds rise. We go to 950 CFS May 16<sup>th</sup> and then 1,030 CFS by June 16<sup>th</sup>. Barring unexpected events, we'll soon have to curtail delivery to water bank users, and Mr. Gensler expects that to happen within one to two weeks.

Another issue is the flows for the Rio Grande Silvery Minnow. Reclamation began releasing supplemental minnow water at a rate up to 125 CFS about four weeks ago. They got a brief reprieve the past two weeks as the flows naturally increased a bit with the peak of the runoff where they could save a little bit of water. As of yesterday, they had had about 25 CFS release. In exchange we guaranteed them a minimum bypass of 125 CFS below Isleta Dam, and we allow all of our return flows at the San Acacia Dam. So far, this has been just barely enough to keep the river connected to San Marcial. Reclamation has begun pumping down at the south boundary to support the southernmost end of the system, and we've been able to help out now with the Neil Cupp Pumping Station. We pumped water a little over a week ago, and then we started pumping again this weekend. We are now running about 30 CFS into the river down at the new Neil Cupp Pump Station in Socorro, which is helping out Reclamation a lot to keep the river connected down there right now.

Quick word about those Socorro pumps. So far, they've proven their weight in gold. As of Thursday, last week, we had used them for 14 days to pump water for a total of about 1,000 acre-feet for farmers, and we would use them five days, pumping water to the river for 250 acre-feet. Although those are really small amounts of water relative to our total diversions, they come at really critical times and places, and they help out a lot of people. We are going to find they are a great benefit to the 3,000 or so acres of farmland downstream from there and also to the minnow ops this summer.

Director Russo Baca asked if we do get more rain or other water sources from anywhere else, would it be possible that curtailment could end, and people could continue to water through the water bank, or do they have to look elsewhere? David Gensler responded that when we have had these early season curtailments (and they've happened before), generally we do go in and out of curtailment with the summer rains. Any time that we have a sufficient inflow that we have any excess water somewhere, we will lift the curtailment. Sometimes it's a District-wide curtailment, and sometimes it's specific to certain areas, if we have a rainfall event. We are very opportunistic, and every chance we get we will allow that irrigation to open up for people.

Director Moore asked David Gensler if we should start notifying the farmers of the situation. Mr. Gensler responded that by distributing the Board meeting notes as some of the board members do people will know, as well as posting on the website. The ISOs are answering people's questions as well.

Madam Chair Dunning asked if the "normal" monsoon season has changed. Mike Hamman responded that the National Weather Service has a pretty interesting predictive tool they use. It is on their website, and it's called "climate outlook." It gives you a 14-day outlook and a six-to-eight-day outlook. There's a series of maps that shows the 30, 60, 90, 120, etc. It shows temperatures, and it shows predictions of moisture. It's a 50/50 proposition, based on their models.

Director Kelly asked if we were looking at installing another pumping plant for irrigation, water delivery only, what are the top three locations? David Gensler responded that he does not have

a list per se but could make a pretty quick list. Our focus the last couple of years has been getting this south boundary of the District, north boundary of the refuge thing resolved. In our Drought Contingency Plan, we really talked about some kind of a facility, maybe at the head of the Socorro division at San Acacia Dam, where we could stabilize and augment the Socorro Main Canal. We've talked over the years about maybe using well field and pumps at the heading of the Corrales Main, for example. But I think typically the further south we get, the bigger problems we're going to have.

Chuck DuMars added the one thing we've always prided ourselves in the District as compared to the EBID, which has put in hundreds of these supplemental wells that during dry years basically drained the water out of the river, is that we have not done that, and the reason we haven't is that we realize that no matter where we put the well field, we're really simply reducing the water delivered under the Compact because it's going to come 100% out of the river, unless it's way up close to the mesa, and there's a lag time.

The difficulty we have, and maybe it's a gamble, but at this point, it would not be necessarily a good idea to start putting in well fields that are basically going to draw the Compact water and put it down the ditches and then consume it for irrigation and then argue that somehow we're different from what's going on in Texas versus New Mexico. Dr. DuMars would not like to open that box, but, of course, if it's dry enough, you could do that.

David Gensler added that where MRGCD did the Socorro Pumping Plant, we're lifting water from a drain. We're just rearranging flows that are there. The point that Chuck makes is very good, and that was also discussed in that Drought Contingency Plan, that if we did go to some kind of conjunctive use strategy, we needed to be very careful about how it was operated and planned and understanding that it was robbing Peter to pay Paul. And we were going to have to pay Peter back pretty quick.

Director Moore asked if Mr. Gensler was expecting us to go into Article VII Restrictions. Mr. Gensler responded, yes, he is guessing that we have probably got roughly a month or so yet before we're back in Article VII restrictions, maybe a little bit longer. We won't be able to capitalize much on it because of snow melt, but if we did have a nice, really big rainstorm or something up in the mountains, late May, early June, we might be able to get some storage that way.

**b. Consideration/Approval of Resolution #SA-05-11-20-29 of the Board of Directors, Authorizing Change in Signature Authority - Mike Hamman, CE/CEO**

No discussion ensued on this topic. No questions were fielded.

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

**CHANGE OF SIGNATURE AUTHORITY**

**NO. SA-05-11-20-29**

WHEREAS, it is prudent and necessary that the signatures on the bank accounts of the Middle Rio Grande Conservancy District (District) be revised to reflect pending staff changes and to provide necessary operational flexibility, and

WHEREAS, Mr. Santiago Chavez is no longer employed with MRGCD.

NOW, THEREFORE IT BE RESOLVED, that the authorized signatures on any and all bank accounts of the District, as well as for any safe deposit boxes held by the District and on checks, drafts, money transfers, or other instruments for payment of money, shall be any two (2) of the following persons to wit: Mr. Michael A. Hamman, Ms. Pamela Fanelli, Mr. Jason Casuga and Ms. Christine Nardi and that the Resolutions of each necessary to effect the foregoing are hereby adopted by the Board of Directors for the purpose herein above set forth effective May 11, 2020. In addition, Mr. Santiago Chavez will be removed from all District accounts along with any authority to enter any safe deposit boxes of the District. The incoming Secretary/Treasurer, Ms. Pamela Fanelli, being authorized and directed to serve the necessary signature cards and Resolutions and deliver the duly executed documents to the respective banks and the New Mexico State Treasurer's Fund all signatures heretofore authorized and any not authorized herein being deleted.

DATED AND RESOLVED: in session this 11th day of May 2020.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

\_\_\_\_\_  
Karen Dunning, Chair

ATTEST:

\_\_\_\_\_  
Mike A. Hamman, Chief Engineer/CEO

Director Kelly made the **MOTION TO APPROVE RESOLUTION SA-05-11-20-29 OF THE BOARD OF DIRECTORS AUTHORIZING CHANGE IN SIGNATURE AUTHORITY.**

Director Moore seconded the motion.

Rollcall vote was administered.

Director Baca	Yes	Vice Chair Baca	Yes
Director Sandoval	Yes	Director Moore	Yes
Director Kelly	Yes	Director Russo Baca	Yes
Madam Chair Dunning	Yes		

The **MOTION CARRIED unanimously.**

**c. Consideration/Approval of SWFL & YBCC Surveys Agreement - Mike Hamman CE/CEO, and Anne Marken, Hydrologist I**

Mike Hamman reported the history being that this goes back about a year, when the BO partners and the Fish and Wildlife found out that the Corps of Engineers was no longer going to fund the annual SWFL and Yellowbill Cuckoo (YBCC) surveys that were pretty extensive and expensive. As we looked back on the absolute need and timing of the surveys, the Fish and Wildlife Service took all the questions back to their bird experts and evaluated the overall resources available (staffing and fiscal perspectives) and came back with a reasonable

proposal, whereby if we can all collectively pull resources together, we would only do bird surveys every four years as opposed to every year. We looked at the MRGCD budget, and we were able to come up with the funding to fill the gap. Reclamation also stepped forward; however, because Reclamation has a difficult contracting process, MRGCD was the logical party to put the money on the table.

Anne Marken reported that the results of these surveys contribute to baseline population data, monitoring of population trends, and the determination of the current distribution of avian species in the region. Data from these species are used to aid in tracking avian activity and assist in determining safe and usable avian habitat within the middle Rio Grande. The Southwest Willow Flycatcher and the Yellowbill Cuckoo are both, obviously, endangered species but are in the 2016 Biological Opinion and are species that the collaborative program works to develop efforts to benefit.

The District has been asked to provide \$100,000 for this fiscal year, and then, after June, another \$50,000 for the 2021 fiscal year. Yasmeen (Najmi) has worked closely with the technical team at the BOR to include some areas of interest for the District in their surveys this year, which include the waste ways in the Isleta Reach, where the District anticipates making habitat improvement.

Director Kelly asked if the survey is a quadrennial effort from now on, the board will not see this for another four years. Jennifer Faler was still on the teleconference and added that BOR is still working to formalize the every-four-years. We used to have to survey the entire footprint where we find these birds each year, which is basically south of Isleta, all the way down into the Elephant Butte Reservoir. When the Corps of Engineers' funding was no longer coming through, Reclamation was unwilling to spend over a million dollars a year just counting birds and not actually doing habitat building projects. BOR sort of drew a line there. The service was understanding of BOR's position and was willing to let us survey an area every four years instead of every year.

Instead of doing the entire location four years, we are proposing to do a rotation which will bring the cost per year down. Reclamation will still fund the surveys in the highest bird use area, which is still about \$800,000 a year down in the reservoir area and the very southern end, below MRGCD boundaries. We were reaching out to our partners, MRGCD and the State, to request them to cover the once-every-four years from above our line up through MRGCD to Isleta. We are hopeful that the ISC will come through with some funding in their budget next fiscal year.

While the surveys may be only required every four years, there are big chunks of survey area that we are biting off. It's actually going to be surveying every year a smaller amount than what we're doing today, and between MRGCD and ISC, it should be a fairly affordable effort. This is also in support of other MRGCD programs where if you have not done this survey, you can't touch the Bosque. The way the protocol works is you had to survey the year before. What it's buying both MRGCD and the State, as far as levee projects and wood salvage projects, is to make sure that you're not going to have to wait a year before you can do a project because nobody funded the survey the year before. If we can close the deal on this every four years to bring the costs down, it's likely going to be an annual cost for the District, but it should be an amount that is well worth paving the way for all the projects and all the work you do in the Bosque.

Mike Hamman added that MRGCD sets aside and committed in the Biological Opinion to do a minimum of \$150,000 a year to work on bird-fish habitat. Whatever the District does falls in that general commitment, and it's not an additional burden above.

Vice Chair Baca made the **MOTION TO APPROVE THE SWFL & YBCC SURVEYS AGREEMENT**. Director Kelly seconded the motion.

Rollcall vote was administered.

Director Baca	Yes	Vice Chair Baca	Yes
Director Sandoval	Yes	Director Moore	Yes
Director Kelly	Yes	Director Russo Baca	Yes
Madam Chair Dunning	Yes		

The **MOTION CARRIED unanimously**.

**d. Update on Business Continuity Plan Under COVID-19 Response and General Office Remodeling Schedule - Mike Hamman, CE/CEO**

Mike Hamman reported that some staff has returned to the office once or twice per week (assessments staff, accounts payable staff, and procurement staff). Of course, MRGCD is requiring use of a mask whenever the staff is in open areas and moving about the office. Because of the COVID-19 situation, we have been able to accelerate the office remodel. The first phase of the remodel will be done by June 1. Making great progress, the complete remodel should be done by the beginning of July. We do have some staff that are vulnerable to infection, and those folks will continue to telecommute until the comfort level increases.

Mr. Hamman added that some staff has had to quarantine (San Felipe and a couple of field crews). However, all testing has come back negative for MRGCD. There have been no positive cases within MRGCD.

**e. Grantee and Partnership Agreements - Annual Reports - Mike Hamman, CE/CEO**

1. The Nature Conservancy Annual Report on Rio Grande Water Fund
2. Rio Grande Agricultural Lands Trust Annual Report
3. Bosque Environmental Management Program Annual Report
4. Center for Social Sustainable Systems Agreement Update
5. Update on the Ditch and Water Safety Task Force Actions

Discussion ensued between all board members and legal counsel of concern with the "Ditches are Deadly" slogan that appeared in the above report (#5), which was referenced to be located on the social content. The District would like to completely get rid of this line of thinking since *El Agua es Vida* (Water is Life). Mike Hamman will convey the board's concerns to the Ditch and Water Safety Task Force; that the reference must immediately be stricken from any social content that involves MRGCD.

**AGENDA ITEM NO. 8 – REPORT(S) FROM THE MRGCD ATTORNEY(S) - Chief Water Counsel and/or General Counsel**

**a. Report on WEG v. MRGCD and John D'Antonio, Court of Appeals Dismissal – Dr. Charles DuMars, Chief Water Counsel**

WEG sued the State Engineer in Santa Fe, arguing that the State Engineer was obligated to force us to bring forward a PBU. The Judge has ruled in MRGCD's favor, stating that the State

Engineer has the discretion over the question of whether or not it would require a PBU. Chuck DuMars would be shocked if WEG filed a petition for *certiorari*.

In addition, Mike Hamman received a letter from Attorney Andrea La Cruz-Crawford, who is representing Arenal Acequia and another small acequia (lateral off the Arenal Acequia). They expressed an interest in being able to protest applications for transfer themselves within the District. Ms. La Cruz-Crawford wasn't aware of all the rules. Dr. DuMars sent her the MRGCD history and some applicable law authorities. He will meet with her soon.

Lastly, Dr. DuMars and David Lerwill tried emailing the Amicus Brief to the Board Members, and they have recently found it rejected as spam. Dr. DuMars will figure out why it is being rejected and attempt to email again, but he will also get a printed copy of it to each board member.

### **AGENDA ITEM NO. 9 – REPORT(S) FROM THE MRGCD BOARD OF DIRECTORS**

#### **a. Report on the Foraker Lateral Community Meeting on April 23, 2020 - Madam Chair Dunning and David Gensler**

David Gensler and Casey Ish setup the meeting; Madam Chair Dunning received a call requesting a board member to attend this meeting. Yasmeen Najmi was there as a resident of the community. The MRGCD believes the Foraker to be a community ditch and the neighborhood is asking for proof of easement. The District does not have any documents that shows MRGCD has an easement. When MRGCD reopens, we will look into the history of this community ditch. Madam Chair Dunning also noted the resistance to change that Mr. Gensler receives when he goes through the Valley in his attempt to have the surrounding area's water system run more efficiently.

David Gensler added that it was kind of an interesting meeting. Since that time, he and Casey Ish have learned quite a bit about the origins of the Foraker (what MRGCD owns and doesn't own). It's a mixed bag. The point of it all is he and Mr. Ish are going to intensely study what is happening out there over probably the next couple of months and how much water people are using and when they're using it. They will then go back to them with some proposals about how it could be made better. They will probably ultimately recommend that there is a point along in there where MRGCD stops caring for it and it becomes a community ditch that they will have to take over and manage themselves. There is some information on MRGCD records about it, and it is a little bit more confusing.

Jason Casuga added that he has seen where MRGCD has turned over community ditches back to their communities, after not being able to find easement documents. We will research for either two types of documents: one, easement documents that show a clear transfer of easement or granting of easement to the District, and/or especially on these older ditches some sort of maintenance agreement that was signed by the District at the time of taking it over.

Mr. Hamman added to the discussion regarding the various things the District has done or may be doing in the future, such as, proposing to put in a minimum water service charge for all the smallest acreages.

Director Kelly made the **MOTION TO APPROVE THE FORAKER LATERAL COMMUNITY MEETING**. Director Baca seconded the motion.

Rollcall vote was administered.

Director Baca	Yes	Vice Chair Baca	Yes
Director Sandoval	Yes	Director Moore	Yes
Director Kelly	Yes	Director Russo Baca	Yes
Madam Chair Dunning	Yes		

The **MOTION CARRIED unanimously.**

**b. Approval of the Finance Committee Report on May 5, 2020 - Directors Kelly, Moore, and Baca**

The Report was given during the presentation under topic 6c., as well as the Report being approved by the Board under the same topic.

With no further comments, questions or concerns, Vice Chair Baca made the **MOTION TO ADJOURN THE MEETING.** Director Baca seconded the motion. The **MOTION CARRIED unanimously.**

The meeting was adjourned at 5:29 p.m.

Approved to be the correct Minutes of the Board of Directors of May 11, 2020.

**ATTESTED:**

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Pamela Fanelli, CMA, CGFM  
Secretary/Treasurer

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Karen Dunning, Chair  
MRGCD Board of Directors