

**MINUTES OF THE
THREE THOUSAND SIXTEENTH REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
OCTOBER 9, 2017**

Directors having been duly notified, Chairman Kelly called the regular meeting to order at 3:03 pm at the MRGCD General Office. The following Directors and Staff were present:

DIRECTORS:

John P. Kelly	Chair	
Glen Duggins	Vice-Chair	
Joaquín Baca	Director	
Karen Dunning	Director	Absent
Derrick J. Lente	Director	Absent
Beverly Romero	Director	
Valerie Moore	Director	

STAFF:

Mike A. Hamman	Chief Engineer/CEO
Chuck DuMars	Chief Water Counsel
Lorna Wiggins	General Legal Counsel
David M. Fergeson	Secretary/Treasurer
Jeanette Bustamante	Administrative Officer
David Gensler	Water Operations Manager
Ray Gomez	Engineer Supervisor
Doug Strech	GIS Supervisor
Jason Casuga	Engineer 1
Alicia Lopez	Engineer 1
Adrienne Martinez	Engineer 1
Joe Brem	Albuquerque Division Manager
Lorenzo Benavidez	Socorro Division Manager
Sloan Washburn	Belen Division Manager
Mike Apodaca	ISO Assistant Supervisor Belen
Alan Flaig	ISO Belen Division
Becky Burnham	Budget Analyst
Danial Clouser	ISO Supervisor Belen Division

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

Jeff Willis, AMAFCA	Elain M. Padilla, Lemitar, NM
Michael T. Sandoval, Pueblo of San Felipe	Representative Gail Armstrong Dist. 49
Brian Culp, Valencia County Fire Department	Kevin Hollows
Danny Monette, Valencia County Manager	Mita O'Dell
Scott Edeal, Valencia County	Craig Hoover, Bohannon Huston
Pat McCraw, South Valley Ink	Harvey Crowley, Mesa Verde Farms
Emily & Adam Willis, 4 Daughters	Eugene Pickett
Mike Mechenbier	Cecil Abeyta
Kathy Mechenbier	Toby Romero

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Chairman Kelly asked Ms. Lorna Wiggins, MRGCD General Counsel to lead the Pledge of Allegiance.

Chairman Kelly asked for a moment of silence for the victims of the Las Vegas mass shooting.

Chairman Kelly welcomed the guests and declared a quorum.

AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA

Chairman Kelly called for approval of the Agenda.

Mr. Hamman advised the Chairman that today is a Federal Holiday, and neither the BOR or BIA will not be in attendance to report on Agenda items 7 a & b.

Director Moore requested to move up item 8a Water Report after 5c

Director Romero made the **MOTION TO APPROVE THE AGENDA AS AMENDED**. Director Duggins seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 3 – APPROVAL OF MRGCD PAYMENT RATIFICATION & ATTORNEY INVOICES

- a. Consideration/Approval of Payment Ratification for October 9, 2017

Director Moore made the **MOTION TO APPROVE THE PAYMENT RATIFICATION FOR OCTOBER 9, 2017**. Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

- b. Consideration/Approval of September 2017 Invoice for Wiggins, Williams & Wiggins

Director Moore made the **MOTION TO APPROVE SEPTEMBER 2017 INVOICE FOR WIGGINS, WILLIAMS & WIGGINS**. Director Baca seconded the motion. The **MOTION CARRIED** unanimously.

- c. Consideration/Approval of September 2017 Invoice for Law & Resource Planning Associates

Director Moore made the **MOTION TO APPROVE SEPTEMBER 2017 INVOICE FOR LAW & RESOURCE PLANNING ASSOCIATES**. Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

- d. Schedule Meeting with Finance Committee to discuss First Quarter Financial Report

Mr. Fergeson advised the Board that the first quarter financials are complete and would like to present to the Finance Committee. A Finance Committee meeting to review the First Quarter Financial Reports was scheduled for Monday October 23, 2017 at 2:15 p.m.

AGENDA ITEM NO. 4 – APPROVAL OF THE MRGCD MEETING MINUTES

- a. Consideration / Approval of Minutes for Regular Board Meeting – September 25, 2017

Director Duggins made the **MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING SEPTEMBER 25, 2017**. Director Baca seconded the motion. The **MOTION CARRIED** .

AGENDA ITEM NO. 5 - REPORT ON THE SEPTEMBER 29 & 30, 2017 FLOOD EVENT IN THE SOUTH BELEN AREA – MIKE HAMMAN, MRGCD CEO

- a. Extent of Storm Event and Resulting Impacts

Mr. Hamman stated he will be reporting on a series of storm events that started on September 27th through October 5, 2017, and will focus on the intense storms that occurred in the southern Belen area in Valencia County as follows:

- Results & Impacts
- Response of MRGCD and other Entities & resources utilized
- Recommendations for mid and long term solutions

The Conservancy was formed under the Conservancy Act of 1923, and that Act provided broad authorities to the Conservancy to do irrigation, drainage and flood control. The flood control component of the Act is focused primarily on the main stem of the Rio Grande with a few of the limited authorities to deal with some of the large tributaries in terms of building features to deal with the multiple arroyos and other drainage features that come into the valley. The map illustrates the

benefitted area of the District, which is outlined along the high flood plain of the Rio Grande. There are multiple arroyos and tributaries that run into the Middle Valley.

There was a series of large flood events that occurred in the late 1930's and early 1940's that led to the Flood Control Act of 1948 and 1950. This authorized the federal agencies to utilize their resources to come in and work the Middle Valley main stem of the Rio Grande in order to control those very large flood events that wiped out lots of farmland and the Village of San Marcial and lots bridges and other features that raised havoc within the Middle Valley as well as created drainage concerns.

The Acts of 1948 and 1950 combined with the Conservancy's authority to deal with main stem flood events through our levee construction provided sufficient federal resources to build dams.

Another component is the channelization and movement of sediment, as well as levee construction that would supplement the spoil levees that were constructed by the Middle Rio Grande Conservancy District and the Bureau of Reclamation when they rehab'd. The facilities in the 1950's. The Conservancy and the Corp of Engineers have the authority to engineer levees in all four counties within the Middle Valley, and the District and other agencies are sponsors for much of that work, and that is the extent of authority that the District has; to work with the federal agencies to focus on the river corridor with very limited authority to deal with flood events that occur consistently year-in and year-out throughout the entire basin.

Through urbanization and development that has occurred within the flood plains of all four counties, some counties in the urbanizing corridor have developed flood control agencies with AMAFCA, SSCAFCA, East ESCAFCA. Urbanization is occurring in Los Lunas, Belen and other parts of northern Valencia County, but they have not established a flood control authority. So those counties that do not have flood control authorities i.e., Villages and/or Counties have taken on the responsibility.



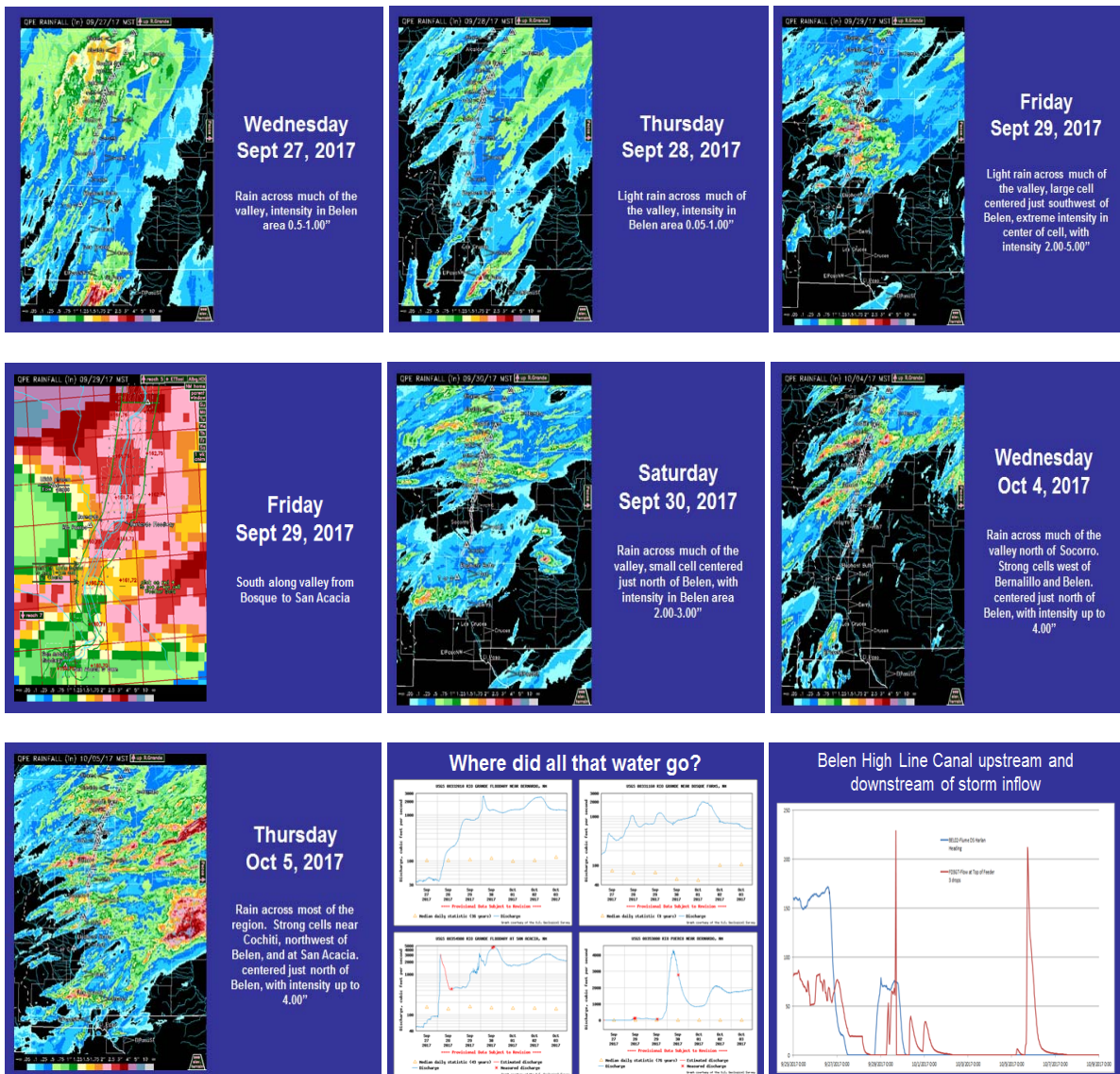
Mr. Hamman recognized Mr. Danny Monette, Valencia County Manager and Brian Folk, Valencia County Fire Department Chief and expressed his thanks to Valencia County for working together with the MRGCD staff in responding to this storm. Mr. Hamman also expressed his sincere thanks to all the MRGCD staff for their intense work and response in helping to get the canals back in shape and everything that they did to help with this storm. Mr. Hamman turned over the presentation to David Gensler.

Mr. Gensler stated the most damage occurred in Valencia County, south of Belen. The rainfall numbers from these storms were very impressive, and he provided a detailed power point presentation to demonstrate how intense it was and the amounts of water this storm dropped in the Valencia County area. These charts indicate the potential rainfall intensity, up to five inches in places. What these 24 hour composites images don't show is how intense this actually was. Most of the rain fell in a matter of about an hour or so. On Saturday the 30th again a small cell just north of Belen hit this time, with intensities up in the 2-3 inch range. The Belen area had a little bit of reprieve and then on Wednesday October 4th another system came through and got rain across much of the

valley all the way from Socorro north to Bernalillo and again in the Belen area. One cell centered just north of Belen with intensity that dumped up to four inches and then again on Thursday.

This particular intense rain event that occurred on September 29th produced a lot of damage and destruction, both to District facilities and the community at large. To describe the amount of rainfall we received at the Rio Grande at Bernardo; on September 27th & 28th the flow was gaged at 800 cubic feet per second, a pretty impressive flow for this time of year, but immediately after that September 29th storm event it spiked up to approx. 3,000 cubic feet per second, and the same storm continued south to San Acacia. At the Rio Puerco Basin it spiked up over 4,000 cubic feet per second.

The impact of this storm at the Belen Highline Canal, the charts below show where it spiked, the arroyos are flowing, bursting out of the hills, and they are intercepting the canal. They just ran right over the top of it, filled it with water and mud, and plugged in numerous places in just a very short period of time. Before the storm, the canal was roughly 60 cubic feet per second, typically that canal will run upwards to 150 cubic feet per second in this area. It was running fairly low, and then all of a sudden a storm hits and immediately approaches 250 cubic feet per second. It then drops in a matter of 30 minutes, the canal just plugs solid, and the water is running right over the top of the bank.



Mr. Gensler continued the presentation with photos of the following areas:

- Area South of Belen
- Area where arroyos breached through and brought sand and mud into the canal, plugging it
- Arroyos running through the brush and filling up the canal with sand, mud and gravel.



One of our District employees counted 28 separate arroyo inflows into the highline canal from below the Belen interchange down to the Feeder 3 structure.

Chairman Kelly asked Mr. Gensler if there are any physical range gages to confirm the NEXRAD data to compare to. Mr. Gensler responded yes, but had not looked, but we generally mesh pretty well. He stated we lack good ground truth gages, and there is only a small number of gages scattered around the valley.

b. Response of MRGCD and Resources Utilized – Jason Casuga

Jason Casuga thanked Sloan Washburn, Belen Division Manager specifically and all the other Division Managers and staff that worked long tireless hours. Mr. Washburn was first on the site assessing the situation and making rapid calls to bring in equipment from multiple places and coordinating to bring in assistance from the other Divisions. Mr. Washburn had other assistance, and thanks also to Mike Lopez and others on the ground coordinating efforts.

The response was immediate; it was around 4:30 p.m. on the 29th when the initial flood advisory came through for northern Socorro and Sandoval Counties, and that's when things heated up. Below you will see maps of the Rio Grande in Belen.

Crews in Cochiti and Socorro and especially in Belen Division they are still working diligently to repair damages done to our canals due to the high intensity rain events and arroyo flooding. The system is shut off in many locations so that we can make these repairs. Monsoon rain events resulting in damages to the irrigation system is an issue that we as a District are handling up and down the valley.

In the Belen Division the main canals affected were the Belen Highline, Garcia Acequia, Garcia Extension, New Belen Acequia, San Juan Main and the Los Nutrias Lateral. In total 11 locations where significant flow entered our canals, causing over-topping, which resulted in ditch banks being eroded away and ultimately major damage to our canals.

On the west side of the Rio Grande the Belen Highline took the brunt of the inflow from this storm. Immediate access to the Highline was blocked due to flooding, so it did take some time for our people on the ground to get out and assess. Dump Road was inaccessible with water flowing through it. As soon as Mr. Washburn was able to inspect the highline canal and saw the extent of damage to the Belen Highline he had crews directed to begin work at specific locations for repairs.

The Belen Highline was completely plugged at locations due to arroyo flows causing over-topping along the Belen Highline that led to the complete loss of portions of the east side of the canal bank. Water cascaded from there west across I-25, and I-25 was shut down. Homes were flooded, and water continued west to the railroad tracks which acted as an embankment, stacking up water behind, causing water surface elevation to rise, and in some areas people stated water was spilling over the top of the tracks, but this is based on accounts with people I spoke with.

The two main areas damaged were at stations 1265+00 and 1374+00, the largest extent causing the most damage was located north at station 1265+00. Once the crews were able to hit the ground it took approx. 3 hours to plug them. By that time the elevation in the channel dropped due to the loss of the east bank of the canal and widespread flood that happened downstream of the loss.

Because the Belen Highline was the farthest west channel, the water moving west from the Highline affected the Garcia, Garcia Extension and the New Belen Acequia. All of these canals took on significant flood flows, filled with sediment and debris, and channel capacity was choked. Equipment was sent to those areas to remove sediment to keep the water moving downstream as best it could.

The primary canals affected on the East side were the San Juan Main Canal, and the Las Nutrias Lateral and some smaller canals. The Storey Wasteway was completely opened to take water off of the main that was coming in, but there was still overtopping along the San Juan Main and Las Nutrias, channel banks were eroded and we lost sections of the bank along these channels as well.

Mr. Casuga stated that the repairs began on Saturday following the storm event. water impounds behind our ditches and suddenly the volume of water comes in.

Mr. Casuga stated that concludes his report and will stand for questions.

Director Moore commented that there was a lot of cooperation from Valencia County and other agencies working together.

Mr. Casuga responded very much so, we had the county, local law enforcement, our federal partners, and BLM provided very large construction equipment and operators. The District was moving staff and equipment all over from Cochiti all the way down south. There was a tremendous amount of help. This was an extremely large and intense event as Mr. Gensler pointed out. It caused a lot of damage.

Chairman Kelly thanked staff and stated he appreciated the quick response of Mr. Washburn and all of the MRGCD staff involved, and he observed the amount damage this event caused when he went down on Tuesday.

c. Staff recommendation for mid and long term improvements

Mr. Hamman stated we have collected data, we hired an engineering firm to help us analyze exactly what was the intensity and volumes that came into our canal system. That information will help the District determine some possible solutions.

We are going to do some surveying to determine exactly where we need to finalize the top of the canal banks, and see if there is anything that we need to do to modify any structures, and also analyze how all this storm event came in.

We are also working to get Belen Highline back in operation so that we can meet the remaining part of our irrigation demand for the rest of the irrigation season.

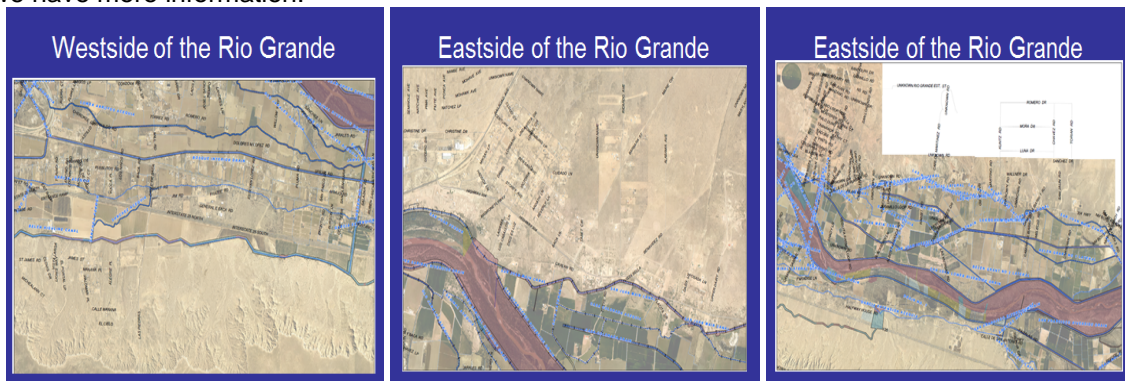
We want to start thinking about the mid and long-term plans on how to address these intense storms throughout our whole system, in particular the more vulnerable areas, like where it occurred here

along the Belen Highline and along the Sile Main Canal up north. They get a lot of intense storms along that area, as well as Algodones and Bernalillo areas.

We will get with our local agencies that have broader authorities for flood control on these tributaries, and try to develop a long-term plan to deal with these more intense storm events, and also engage with the NM Emergency Response and also our federal partners to see if there are other resources for solutions for those localized flood events.

We will also be looking at our equipment needs. There may be different equipment that would help the emergency response. The first step is to get the Highline Canal back in shape, take a look at what we can do within the next couple of years to shore up our system and work with local agencies for some short-term projects. Then take an extensive review with some federal and state assistance to help us with these intense storm events, and possibly build some structures.

We will be working diligently with everybody involved in that regard, and will report back to the Board as we have more information.



FLOOR OPEN FOR PUBLIC COMMENT:

Mr. Monette, Valencia County Manager, thanked the District staff and stated that the MRGCD employees were out there day and night, and they were easy to work with. The District has helped the County with issues and the County has helped the District.

Chairman Kelly asked Mr. Hamman what is the general scope of work for the On-Call Engineer.

Mr. Hamman stated they will do some field investigations to determine the potential flow volumes and storm intensities, etc. and provide a formal report.

Mr. Mike Michenbier:

Mr. Mechenbier stated it was Thursday night after the main event, I saw headlights and came over the hill and saw Sloan Washburn, Frank Lovato and Mike Apodaca, they were saving a piece of equipment that got vandalized from getting flooded a second time. That was approx. 8:30-9:00 pm, and I know they were there long afterwards. I honestly can't say enough about the rank and file at the Conservancy. Over the last 2 years he has seen a noticeable difference in the attitudes of the ditch riders (ISO). It is kind of a blessing and a curse. There was a late freeze forecasted at the end of April, he contacted Daniel because we needed some help and we were restricted to one-and-a-half turnouts and needed more water to keep the orchard from freezing. The cooperation was "open every turnout you have, keep doing it until there is not more water in the ditch", and that saved the pecan crop. Hats off to the cooperation of the Conservancy District, and the rank and file, this last year.

Mr. Mechenbier said he wants to roll the clock back. Everybody wants to hide behind the storm event. We have had rain storms down there for the last 15 years. It is going to take somebody getting killed on I-25 before anything is done. Going back to 2006 the entire interstate was shut down because of flooding over the highway. We started looking into the problem down there and in 2010 we brought Valencia County Manager, Eric Zamora and later he became the MRGCD Belen Division Manager. We brought Mr. Tom Cave, NMDOT, Valencia County and the Conservancy District together to discuss this issue because this has happened on a regular basis. You can go back to your maintenance records, and it is more like a calculated risk, it agricultural property and some farmers and poor people down there, so let's dam it up a little. When you meet with a bunch of bureaucrats, they think they have accomplished something by just meeting.

In 2011 we met with Valencia County, Eric Zamora, DOT and Conservancy and we provided drawings on how to start solving the problem. Mr. Mechenbier paid an engineer to prepare the drawings. Every government I'm involved in, nobody would do any engineering down there, so we came up with a design, small ponds on the west side of the Highline, slow releases under it and it could flood the pecan farm and hold approx. 400 ac. ft. of water. Then on the each east side of the pecan farm, we had slow releases into the DOT and it was manageable, very inexpensive solution to the problem. We are addressing some permanent changes, and even willing to dedicate some property for ponds. We met several times and fell on deaf ears. The last time we met was in 2014.

No offense to Mr. Gensler all the photography is on the west side of the river. We have spent several millions of dollars and about half that part was out on I-25. I don't think the interstate has ever been shut down for 14 hours.

We have damage every time, it is because the Highline breaks and floods into all the other ditches down below. NMDOT advised me that they spent over \$300,000 dollars a year in maintenance out on I-25 to dig out culverts.

Mr. Mechenbier stated one of the problems with his plan was who was going to maintain the ponds. DOT, Valencia County and MRGCD did not want the maintenance problem. I am upset because the loss is over \$1 million dollars of damage with the crop loss and construction. To say we had a storm event. We have these same storm events in Corrales, Albuquerque and Bernalillo, but we don't have this catastrophic loss. It is because government agencies stepped up and took charge and solved the problem.

Mr. Mechenbier continued discussing the amount of rain that was measured on his rain gages, and about conflicting reports of ditch riders shutting off ditches, and also discussed the breaches that happened on the highway south of Dump Road.

Chairman Kelly asked Mr. Mechenbier if he has shared the plans with MRGCD and Valencia County. Mr. Mechenbier responded yes. Chairman Kelly expressed the MRGCD needs to look at this and see what are our best options for intermediate and a long-term fix to this problem, and it will involve more people than just the MRGCD. Unfortunately we do not have a Belen Flood Control Authority in existence yet.

Mr. Mechenbier responded Los Lunas doesn't have a Flood Control Authority and these issues don't happen there because it is more populated.

Eugene Pickett:

Mr. Pickett is with two groups, National Rural Coalition and the Black Farmers and Ranchers in New Mexico. He stated he personally experienced the effects of the storm event, and one of the families that was also affected were the Gibbs, and we are still digging out. The County was out there, and was impressed that the Red Cross was going door to door. You indicated that there will be reports. Well, when they are complete they need to be submitted because the USDA can play a part, but if those facts and figures are not reported they cannot play a part. That information will go to the State

and the State can submit to the Federal Government. If you don't have public input, and you don't have the cooperation from all of the agencies we don't get a bottom line to prevent these events from occurring in the future. Everybody has a role to play that is why I mentioned the National Rural Coalition. That is one of the strongest farm organizations in the country that advocates in Washington in the farm deal. Everyone has to play a part to help better this situation and we don't experience what we experienced. We experienced this every night Thursday, Friday, Saturday then Sunday, and then it rained again.

You may not have the confidence to say you don't have the data, but you've got a living witness. This was very emotional and some families just want to get their kids to school, no toys for them play with, they are displaced.

We need to work together, engage and participate in a positive way to get this done, not just point fingers. The data needs to be released to the right sources so when it is time for us to advocate at the federal level to release funds, everybody can benefit if a very positive way.

Chairman Kelly remarked that Mr. Pickett could be a key partner in helping us through some of the federal maze, and thanked him for coming.

Cecil Abeyta:

Mr. Abeyta stated that his father is a farmer in northern Socorro County in areas of Veguita and Las Nutrias and La Joya. This is the sixth time in his lifetime that he has heard Mr. Mechenbier make this speech to this Board about these areas. There are homes devastated to the ground, old adobe homes, and senior citizens trying to find a place to live. He remarked he has never seen that area look the way it did after that rain storm. The same holes and breaks in the same places are happening all along from Casa Colorada all the way to La Joya. The people there are saying nobody cares about them, they have not seen anybody out there to help them. We are looking at MRGCD because, you are right, we do not have flood authorities. He stated when he moved to Bernalillo County he found out that they have flood authorities and asked what that was and down here we have MRGCD. We do not have the luxury of SCAFCA and ESCAFCA. He stated he has worked for the legislature for 20 years and some people don't want ESCAFCA anymore. Somebody needs to take the lead and fix the problem. He expressed he was glad that Mr. Monette was here, but that they haven't heard Socorro County Commission declare a state of emergency, what they are doing for those folks in northern Socorro County.

He indicated he has been in contact with state elected officials and state legislatures, and that Senator Cervantes, Chairman of the Water and Natural Resources Committee took a video of I-25 breaking up. He also contacted Representative Armstrong, Senators Clemente Sanchez and Howie Morales; they all committed to come to the table.

Mr. Abeyta said he is here to offer some help however he can, but also to pay special attention to those communities of Veguita, Casa Colorada, La Joya, Las Nutrias, Abeytas, and Sabinal because they were hit hard. Mr. Abeyta stated he has three-quarters of acre in northern Socorro County that he would be willing to give the MRGCD for ponding.

Chairman Kelly thanked Mr. Abeyta.

Director Duggins advised Mr. Abeyta that he is also a Socorro County Commissioner and shares the northern part of the County with Ms. Martha Salas. The night of the flooding we were in communication with Mr. Hamman that night and the next day. We had a request to breach Unit 7 because of the people that live around San Francisco were afraid they might be flooded, and they requested to breach Unit 7 for fear of the Rio Puerco.

As far as claiming the northern part of Socorro County a disaster, the word he received was that it was not severe enough. We can go back, and we are perfectly willing to do that, but we were in communication, and we do care.

Mr. Abeyta, did hear that Commissioner Salas did work diligently with MRGCD on that issue and the 3 days later that is what I heard from the folks. You and I both know there was more damage than what was assessed. His great aunt's house has been there for 20 years and her daughter lives there now, and a wall is completely gone and she does not have insurance. He understands that she has some liabilities, but at the same time there is nobody there directing them about what they can do. He did hear the Red Cross finally made it down to that area along with FEMA, and they are taking applications.

Director Duggins advised Mr. Abeyta that tomorrow is the Socorro County Commission Meeting and he will bring this up. If there is any way we can help we will, maybe Representative Armstrong can help us with the State. He thanked Mr. Abeyta for coming.

Representative Gail Armstrong:

Chairman Kelly thanked Representative Armstrong for coming, and apologized for not introducing her earlier. Representative Armstrong wanted to let people know that she was down there, driving around assessing the damages, and took videos, she also ran into the Red Cross. She stated that her phone has been ringing off the hook. She is committed to helping figure out how we can prevent this from happening again There is a set of plan right here; how can we help get all together and implement something for this devastation not to happen again. Representative Armstrong went to the Red Cross on Thursday at the station in Belen to help and talk to people.

Representative Armstrong stated she would be happy to be included in any of the meetings where we can make this happen.

Chairman Kelly asked if Representative Armstrong was on the Water and Natural Resources Committee. She responded yes. Chairman Kelly asked if we ask for \$5 million dollars to start this project, would she support that.

Representative Armstrong stated she would definitely be committed to trying to get some money for that area.

Chairman Kelly stated traditionally on these flood control projects, that involves the District, we look to outside agencies that have the larger geographical base to build those detention ponds, and then we work with them under a plan of action to trickle those flows into our facilities, whether it is the highline canal or drains like in Albuquerque.

Scott Edeal:

He just wanted to reiterate a couple of things stated by Mr. Mechenbier and Mr. Abeyta. Mr. Edeal stated he was on the Soil Conservation Service 46 years ago, and when he got elected they tried to get Belen and Valencia County to deal with the escarpment of Belen, it is absolutely impossible to control, and you guys found out what happened today. So this is not a new thing. This escarpment, is the reason you guys abandoned the ditch that goes all the way to Bernardo, the Conservancy ditch because there is no way to control the runoff on the escarpment on a normal rainfall. In regards to Mr. Abeyta, Mr. Edeal stated he has land in La Nutrias, and the Las Nutrias Lateral or whatever Main broke, and his 100 acres of his land was completely under water because of the runoff that hit the ditch and then ran into the field, and they didn't even know about it for three days. He stated the problem is both sides of the river it is not just the one side, it wasn't as bad, but it was bad.

Chairman Kelly provided a summary of the storm event as follows:

- Engineering Plan to be reviewed as a basis to start, but not as the solution
- Multiple agency involvement and private parties
- Lead person or Entity
- Valencia County Resources
- Right-of-way Acquisition or donation
- Whole Escarpment and footprint

Chairman Kelly requested an agenda item for the November 13, 2017 Board meeting to provide a briefing on where we are with discussions to date, potential memorandums of agreement with Valencia County and others on how we are going to investigate this. The District has done a great job with the immediate response and we need to continue doing intermediate and long range response. We need to find potential partners and put a work plan together.

Director Moore concurred we do need to work together, and this is a major project in our area, and we are talking millions and millions of dollars to try to take care of this. We will need State and Federal help. We have to do our part but putting millions of dollars we would have to close shop. Valencia Co., Socorro Co., BLM and everybody we can get as partners.

Director Romero, thanked everybody who came to make us aware of this problem, and hope that we can work with other agencies to try to get something done and keep this project going as long as we need to, until it gets completed, and start as soon as possible.

Director Baca concurred and thanked everyone as well. He stated he is also from Belen and he is down there regularly, and to feel free to call him at any time, and that his number is on the MRGCD website. He said he will go down and meet with people and see what is happening, and hope we don't let the ball drop again.

Director Duggins, also thanked the public and expressed that the board wants to hear from you. He indicated he toured Mr. Mechenbier's farm at his request and we are lucky to have such a farmer and a man with such a heart. Director Duggins then thanked the District staff and expressed his appreciation, they were out there like an army, and they worked hard and long hours.

Chairman Kelly announced that Item 8a was moved up on the agenda, and after the Water Report from Mr. Gensler we will take a 10 minute recess.

Item 8a Water Report – David Gensler, Water Operation Manager

Mr. Gensler stated that once again 2017 does the unexpected. After a mostly very dry September, rain returned at the end of the month, with a vengeance! September 27th kicked off a 9 day period of rain throughout most of the valley. Locally some storms were extremely heavy, including one on the afternoon of September 29th that produced a remarkable amount of rain in a short time.

We stopped storage releases, and diversions were initially reduced, then stopped. San Acacia Dam has been opened to release the high flows and probably will not need to be charged again for the season. Diversions remain throttled back, with almost no requests for water at present. River flows should naturally remain at a comfortable level for the remainder of the month, and we may resume diversions if and when irrigation demand returns.

With the notable exception that some District canals were badly damaged by the storms. In particular the Belen Highline Canal, New Belen, San Juan Main, Las Nutrias, and portion of the Sile Main are undergoing major repairs. Irrigators along these damaged facilities may face delays though division crews are working as quickly as possible to get them back to serviceable condition.

Because of the rains and high flows, we are seeing some reversal of the Rio Grande Compact accrued debit that has been developing this year. Before the rains we were facing a sobering debit, estimated well over 70,000 AF by year end. It will be a while before these flows work their way down

to Elephant Butte, but they most definitely will get there. Much of the inflow we received has occurred below Otowi, so the change will be favorable. Accordingly, we have started to move a little of the Rio Grande water down to Elephant Butte already. This will help some of the expected pressure on the Chama in November and December, and should not have any negative effects on the District. It looks now like there will not be as much water to move, and we don't want to over-deliver.

Director Moore asked are you still planning on cutting the water off on October 31st or November 1st.

Mr. Gensler stated we usually shut the Socorro Main Canal down on the afternoon of October 31st.

Director Moore advised the Board that some of the issues people are going to talk about afterwards is to setting it back because of all the rains.

Mr. Hamman asked for clarification from Director Moore, are you suggesting that we extend the irrigation season a little bit longer?

Director Moore, yes to help them get their crops, their silage up, and of course they have to plow and plant, and they can't get in there now, just so they can get dried up and get their new crops in the ground.

Mr. Gensler said yes, there is always a little bit of tradeoff in having time to do construction projects in the winter and people backed up, waiting for us to dewater the canal, but we are pretty flexible on that. We adjust the schedule every year at the request of the pueblos to deliver a little bit of water for ceremonial purposes and agricultural purposes. I don't think there is anything that prevents the district from operating at a particular time of the year or not.

Chairman Kelly took a short recess at 4:43 p.m.

Regular Session reconvened at 5:00 p.m.

AGENDA ITEM NO. 6 – ITEMS FROM THE FLOOR (Comments are limited to three (3) minutes)

Scott Edeal, a dairy farmer in Los Lunas, who has been there since 1952, and has been farming in the Valley on about 1,550 acres of land, all the way from Bosque Farms to Socorro. He stated that the Middle Rio Grande Conservancy and the landowners, the house owners, and everybody, it's like a co-op. We all are in this together; this is not an alien organization.

The reason I'm bringing that up is your management and legal counsel decided to protest water right transfer to Rio Rancho, and it feels like I'm suing myself for protesting.

First of all MRGCD shouldn't be messing with private property rights of its constituents. I had a deal where you guys, in 1973 voted as a Board to not do anything with water right protests, to let the State Engineer handle that. It is in black and white, there is not new stuff since this. This was all done by Counsel and Management, not the Board.

The only people that are going to benefit from this fight will be the lawyers. The MRGCD is going to lawyer up; Rio Rancho is going to lawyer up, the Pueblos and the Guardians. Rio Rancho is not going to give up, Mr. Edeal indicated he isn't going give up, and so it's going to go through the whole thing. It is going to be wasted money. We are going to throw money to the lawyer's hands fighting ourselves, and I'm talking about myself.

Transfers were protested, the large Hope Farms one. There were three or four transfers to Rio Rancho that weren't protested, but then came through that they were protested. I would like the Board to dig into this and direct your employees on what they should do, and if you think that it is right for them to keep doing this, and then we'll deal with it. He thinks they abused their power to do this.

Director Moore commented that it was discussed in the last meeting, but she is having a hard time trying to wrap her mind around this because, I understand that if people keep selling off their water rights and stuff like that, eventually it is going to put a burden on the people that are left behind. Water rights are property, and I'm just having a hard time thinking it is our business to object to that, and I don't know where I stand on this, because me and my husband sold water rights. Whether you have a small farm or ranch, the only time you ever make a lot of money, especially if you are small producer is when you sell your water right or your property.

Mr. Edeal stated that District Counsel transferred water rights from Socorro to Valencia County. That's going to dry up land in Socorro. Counsel didn't protest his own transfer, but then he protested the Hope Farm transfer. That is a conflict of interest, and he should recuse himself from this if he is going to do that.

Director Duggins understands Director Moore; sometimes we are torn on which way to go. The Water Service Charge on land is being sold and being moved into the city or something, I'm all right with that. Protesting the farmers or the water rights, never, it is not our business. It never has been, and it shouldn't be, this is the business of the State Engineer.

Mr. Edeal asked the Board to review this, and would like the Board to withdraw the protest.

All of it is being farmed, and all of it is being paid, the Water Service Charge and the Water Bank on top of it. He stated he leased 100 acres of water back this year; he farms another lease of 45 acres, and personally put 350 acres into production in the last 20 years that wasn't in production that he is paying assessments on now. He sees it as a net positive, because he put 350 acres into production, and took out 100.

Director Romero, asked is we could put this on the agenda to discuss further. Mr. Hamman said there is Executive Session, and this is one of the issues that can be discussed. There were other transfers that Mr. Edeal spoke with Mr. Hamman about that can be talked about in the executive session.

Mr. Edeal asked for consideration to let the water run in Las Nutrias Lateral be maybe several more days in November. When the storm event happened he planted a new crop on 100 acres and it was flooded, and won't have the ground ready to plant by November 1st.

Mr. Hamman said that was a reasonable request.

Pat McCraw stated she just met Mr. Edeal and just wanted to talk on his topic, and that the Executive Session, is not really very detailed. It should read Scott Edeal Water Rights Transfer to Rio Rancho.

What is really bad, that this Board, who is created by farmers with water rights. They gave them to you to hold in trust, and here you are sitting around to stop them from exercising their Constitutional property water right.

I am interested in the Open Meeting Act and you guys are not even following what you should be doing as determined by the Attorney General of the State of New Mexico. If you are not careful you are going to get your butts sued for violation of the Open Meetings Act. She stated she doesn't have enough money to hire a lawyer, so you get the Attorney General.

You are going to be challenging whether or not those water rights are pre-1907 and whether they are valid. For a small person to fight you guys in court with your \$10 million dollar bank account, which used to be \$23 million. She finds it reprehensible that you are going to challenge the validity of the water right of the people who made this District.

Ms. McCraw continued with her thoughts, on the Open Meeting Act.

Mr. Toby Romero, a farmer from the south, also requested consideration to extend the irrigation for seven more days after the cut-off date. Mr. Romero also stated that in the past two years the Middle Rio Grande Conservancy District has really done a good job for the farmers down there, and we have the best ditch riders.

Chairman Kelly asked Mr. Hamman is this something we would be able to accommodate on a farm-by-farm basis. Mr. Hamman said the process that he understands is going on right now, is these late rains have created havoc for some of the winter crops. I think we need to take that into advisement. If there are certain areas, just let your ditch rider know, and they will transmit that information to us, and we will work with you.

Dr. DuMars asked if he could respond on this protest, so we understand what it is and what it isn't.

Right now, if you look at the US and what is happening in population and demographics, the Urban Centers are destroying rural America. They are systemically taking the human resources and bringing them in. And it becomes harder and harder for people to live in rural settings. Like in Socorro, and Belen, and certainly northern New Mexico.

This is not a suit against farmers. This is a protest to Rio Rancho area taking water resources as a free ride, because they don't pay Assessments or Water Service Charge, and on the ongoing costs are not included in their price for water. So when they buy it, they get it at a cost that doesn't reflect the consequences and litigation to people who are remaining.

So the protest says every person in the District has a property right to sell this water and has the right to do it. It simply asks the State Engineer to calculate what are the consequences to the remaining people there and to the environment and to the other issues and to rural community, and come up with a number and condition the permit on the payment of that price, so that the person isn't getting a free rider and everyone else is left holding the bag on the cost of moving water and irrigation.

It says that the town of Rio Rancho needs to step up and pay that cost. That is all it says. So there will be a hearing on what are those consequences, and the State Engineer will get those facts and the facts will either support the argument of the District or not.

It is not an attack on farmers, it is just basically taking the position that Rio Rancho and any urban user has the obligation to pay the externality costs that impact the remaining farmers there and so that they are made whole, and that they are no worse off when that water leaves.

Chairman Kelly notes that Dr. DuMars discussed thoroughly Section 7 of the protest at the last meeting, which spelled out we were not protesting the ability to transfer that private property right and that all we are doing was trying to assess the external costs to the District and be compensated for those.

Dr. DuMars added that is all it is, and it would be paid by the purchaser.

Director Moore asked when this was discussed last meeting it wasn't clear it said buyer and seller. So the assessments would go to Rio Rancho the buyer not the seller. The farmer would not be docked in any way from selling their water right. Dr. DuMars responses that is exactly right. The cost is to be borne by the purchaser.

Director Moore suggested that a policy be drafted to make it very clear, so farmers will know and understand what is going on, and detail transfers that are and are not protested in the policy. We do not want to hinder their sale of their water right in way, shape or form.

Director Duggins advised the Board that a long time Constituent of the District, Betty Davis, and her health has gone down-hill and asked the Board to pray for his neighbor. She made Director Duggins about 40 pecan pies after he was elected when Mr. Hamman took the Director to tour all the Divisions

offices. Ms. Davis had only words of praise for the MRGCD when she spoke there at his barn. She hadn't received any water; her place is difficult to water. She was promised, and I suppose we are working on a better irrigation system. The only water she got was what Director Duggins hauled to her in a tanker to water her garden. Our thoughts and prayers for a long-time Conservancy member are with her.

Chairman Kelly said she is certainly in his mind, and thanked Director Duggins.

AGENDA ITEM NO. 7 – REPORTS FROM THE U.S. DEPARTMENT OF THE INTERIOR

- a. U.S. Bureau of Reclamation – Ms. Jennifer Faler, Area Manager – Absent Federal Holiday
- b. U.S. Bureau of Indian Affairs – Ms. Viola Sanchez, Designated Engineer – Absent Federal Holiday

AGENDA ITEM NO. 8 – REPORT(S) FROM THE MRGCD CHIEF ENGINEER – Mike Hamman, MRGCD CE/CEO

- a. Water Report – David Gensler, MRGCD Water Operations Manager – Moved up after 5c
- b. Update on Presentation to NM Legislative Water & Natural resources Committee and Logistical Matters – Mike Hamman, MRGCD CEO

The District was upstaged by the President of New Mexico Tech and we will not be doing any kind of evening event with the Committee

MRGCD has been provided a 2 hour slot on the agenda. The NM Interstate Stream Commission has been asked to co-present, so Mr. Rolf Schmidt-Petersen will be at the table with Chairman Kelly, Vice-Chair Duggins and Mr. Hamman. The presentation is in the process of being fine-tuned, and Mr. Schmidt-Petersen has suggested a couple of items we should highlight. We will also discuss the flooding event with the Committee. It will be from 2:30 to 4:30 Thursday October 12, 2017.

Mr. Thompson stated that Director Moore suggested it would be a good idea to sponsor some beverages, cookies or snacks for the Committee members. The meetings last all day, and it may be a positive thing. Mr. Thompson thought it would be a good gesture.

The meeting will be Macy Center at NM Tech.

- c. Report on Meeting with Corp of Engineers on Bernalillo to Belen Levee Project; regarding In-Kind Contributions Agreement September 26, 2017 – Mike Hamman, MRGCD CEO

Essentially we can negotiate a Memorandum of Agreement for how much work we do in advance that can count as cost share. We have to follow their rules and their procedures. We are working to start rebuilding the drains, particularly on the east side, like do a mile or two on the drains on a consistent basis.

We are developing the estimates, so that we can meet their criteria to actually get a Memorandum of Agreement in place so if we do anything that minimizes the footprint of the entire project, to keep it out of the Bosque Habitat. It really condenses the effort, and so we are going to do that. We will be getting with one of our on-call engineers to help us.

Chairman Kelly stated that's a normal routine like deferred maintenance that we should have been doing anyway.

- d. Report on the Pueblo Coalition Meeting October 6, 2017 – Jason Casuga, MRGCD Engineer

The group discussed normal updates from the BOR and BIA, and the only thing of major note was the Office of the State Engineer was present. Tom Blaine and his legal counsel were present to discuss three major items:

- An agreement for access to public data
- Cumulative effects of surface water depletions and ground water withdrawals.
- Quantification of Water Rights

e. NWRA 86th Annual Conference in Tucson, Arizona November 15-17, 2017 – Mike Hamman, MRGCD CEO

This is an annual reclamation round table. Each Irrigation District gets scheduled as part of the NWRA agenda to meet. We have five agenda items; Biological Opinion, Collaborative Program, Title Transfer, Water Smart, and one more item. We have a sit down with Reclamation team to discuss those matters then attend the conference.

Chairman Kelly has a conflict on November 15th, if Vice-Chair and Director Moore can attend that would be good. Director Moore will let staff know. Dr. DuMars indicated he would like to attend, and would not charge the District for anything for his travel.

Mr. Hamman indicated he is recused from a couple of those agenda items, so having Dr. DuMars there would help on those items.

f. Announcement – Mr. Joseph Baca Resignation due to Extended Illness – Mike Hamman, MRGCD CEO

It is a personal regret that Mr. Baca has found it necessary to resign from his 17 year post here with the Albuquerque Division. He has been second in command, under Joe Brem. He will be very difficult to replace.

Chairman Kelly, on behalf of the Board please expresses the Board's appreciation for his service to the District and our constituents.

g. Western States Water Council Tour hosted jointly by the NM State Engineer/NMISC and MRGCD as co-host, October 18, 2017 at Angostura – Mike Hamman, MRGCD CEO

Mr. Hamman had a breakfast meeting with the State Engineer; we get together once a quarter just to touch base. I was made aware of the Water Council and offered to help with anything, and I saw on the agenda they are going to tour Angostura Dam. The District would help set up a nice refreshment tent and some chairs and make it a nice visit for them. The State Engineer asked that we participate in the presentation to discuss Middle Rio Grande Conservancy issues and our relationship with the Pueblos.

Dr. DuMars will be a keynote speaker on the 20th at the Western States Water Council, talking about where we have been and what the future will hold for water transfers and water issues.

This is a great chance to meet our counterparts in other states for basically all of the western basins.

The tour is on the 18th and the conference on the 19th and 20th at the Marriott Pyramid.

Mr. Hamman said he would express interest to the State Engineer and see if it is open to Board Members.

h. Approved Licenses for September 2017 (For Informational Purposes Only)

AGENDA ITEM 9 - REPORT(S) FROM THE MRGCD BOARD OF DIRECTORS

- a. Report on the Pueblo Coalition Meeting, October 6, 2018 – Vice-Chair Duggins

Mr. Casuga attended in place of Mr. Hamman, and Director Duggins assured the Coalition that the Board enjoys working together with them and the cooperation. He also took some of his year-end harvest to share with the Governors. The Governors and Director Duggins talked separately about hosting a seminar with some professors to come and talk about diseases that farmers face with their crops. He felt it would help the District if we all were better farmers.

Director Romero **MADE THE MOTION TO APPROVE THE REPORT ON THE PUEBLO COALITION MEETING, OCTOBER 6, 2017.** Director Moore seconded the motion. The **MOTION CARRIED** unanimously.

Director Baca stated he would like to make a clarification on his comments earlier. For the record, when he spoke earlier to the public, and he stated we would work to make sure we didn't drop the ball in the future in regards to the flooding, he expressed he did not mean "We", as in MRGCD, but "We" as collectively, whether it is the State, Counties, and the folks on the ground. Just everybody in general needs to work together.

Chairman Kelly thanked Director Baca for his clarification.

AGENDA ITEM NO. 8 – EXECUTIVE SESSION

- a. NMSA 1978 Open Meetings Act Section 10-15-1-(H)2
 - 1. Threatened or Pending Litigation

Chairman Kelly requested a motion to move into Executive Session at 4:20 pm.

Director Romero made the **MOTION TO MOVE INTO EXECUTIVE SESSION PURSUANT TO NMSA 1978 OPEN MEETINGS ACT (SECTION 10-15-1(H)7).** Director Baca seconded the motion.

Chairman Kelly requested a roll call vote:

Director Baca	Yes	Director Moore	Yes
Director Duggins	Yes	Director Romero	Yes
Chairman Kelly	Yes		

The **MOTION CARRIED** unanimously.

Chairman Kelly requested a motion to move back into the regular Board meeting.

Director Moore **MADE THE MOTION TO MOVE BACK INTO REGULAR SESSION.** Director Baca seconded the motion.

Chairman Kelly requested a roll call vote:

Director Baca	Yes	Director Moore	Yes
Director Duggins	Yes	Director Romero	Out of the Room
Chairman Kelly	Yes		

The **MOTION CARRIED** unanimously.

Chairman reconvened the regular meeting at 6:15 p.m.

Chairman Kelly said for the record that only discussion was had and no action was taken.

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

The meeting adjourned at 6:17 p.m.

Approved to be the correct Minutes of the Board of Directors of October 9, 2017.

Attested:

David M. Fergeson
Secretary/Treasurer

John P. Kelly, Chairman
MRGCD Board of Directors