

**MINUTES OF THE
2,166th REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
AUGUST 10, 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 3:07 pm at the MRGCD General Office. The following Directors and Staff were present:

DIRECTORS		STAFF	
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	Jason Casuga	Chief Operations Officer
Michael T. Sandoval, Director	Late	Pamela Fanelli	Secretary-Treasurer
Barbara Baca, Director	Absent	David Gensler	Water Ops Division Manager
Stephanie Russo Baca, Director	Present	DeAnna Philips	GIS Tech/Board Liaison
		Yasmeen Najmi	Planning Specialist

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

Sarah Avallone, MRGCD	Jennifer Faler, Bureau of Reclamation
Christine Nardi, MRGCD	Viola Sanchez, Bureau of Indian Affairs
Estella Gamboa, MRGCD	Gina Dello Russo, Save Our Bosque Task Force
Casey Ish, MRGCD	Anders Lundahl, NM ISC
John Thompson, MRGCD	John Rutter
Mike Apodaca, MRGCD	Fred Moore
Adrienne Martinez, MRGCD	Jesse Anderson Patterson
Alicia Lopez, MRGCD	Sue Small
Lorenzo Benavidez, MRGCD	Ryan Wood
Becky Burnham, MRGCD	Kaleb Kurtz, MRGCD
Rick Altenberg, MRGCD	Matt Martinez, MRGCD
Justin Becker, MRGCD	Shawn Vandecar, MRGCD

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

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

Madam Chair Dunning noted that Director Baca may be calling in late; however, she was absent from 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.

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

Madam Chair Dunning asked that the following changes occur:

- Move the Item 8.b., Report on Water Supply Conditions and General Water Operations by David Gensler to occur immediately following Item 5 (Consent Agenda). Please note, for Minutes purposes, the summary of the Report still remains at its original placement under Item 8.b. (now 8.c., due to below add-in).
- Add Water Natural Resources Meeting by John Thompson, MRGCD Lobbyist, as Item 8.a., which would move all items down.

Director Kelly made the **MOTION TO APPROVE THE MEETING AGENDA WITH THE ABOVE-NOTED CHANGES**. Director Moore seconded the motion. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

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

AGENDA ITEM NO. 3 – HONORING SARAH AVALLONE FOR 32 YEARS OF SERVICE TO MRGCD - Mike Hamman, CE/CEO, and Madam Chairwoman Karen Dunning

Mike Hamman discussed Ms. Avallone's history with MRGCD and honored her for 32 years of service to the MRGCD. Director Moore and Dr. DuMars added to his sentiments.

AGENDA ITEM NO. 4 – DISCUSSION OF WRITTEN PUBLIC COMMENTS FOR FUTURE "ITEMS FROM THE FLOOR" - Mike Hamman, CE/CEO

Mike Hamman proposed an option of individuals wishing to speak during the public comment of Board Meetings to instead submit their comments in writing. The written comments would need to be submitted to MRGCD no later than the Thursday before the Board Meeting by close of business.

Lorna Wiggins reminded Board Members that the Open Meetings Act does not require that there be a verbal public comment period during meetings and is totally up to the Board.

Discussion ensued between Board Members (including Director Sandoval who came on during this topic) on whether the written comments would be read in full during the meeting or appended to the minutes as part of the public record. Discussion also ensued amongst Board Members on decreasing the six-minute time limit.

Final consensus was that MRGCD policy for public comment would allow for those that wish to get their comments before the Board (in their board packet) would have until the close of business on Thursday before the Board Meeting to do so. They also have the opportunity to bring their written comment to the Board Meeting to be read and handed to the Board at that time. Both avenues, whether submitted prior to the Board Meeting or at the Board Meeting, will be included in the Board minutes and that the 6-minute time limit would remain.

AGENDA ITEM NO. 5 – CONSENT AGENDA

- a. Consideration/Approval of Payment Ratification - August 10, 2020

- b. Consideration/Approval of July 2020 Invoice for Wiggins Williams & Wiggins
- c. Consideration/Approval of July 2020 Invoice for Law & Resource Planning Associates, PC
- d. Consideration/Approval of Minutes for Regular Board Meeting - July 13, 2020
- e. Memo on MRGCD Approved Licenses for July 2020 (For Informational Purposes Only)

No discussion or questions were raised with the Consent Agenda.

Director Kelly made the **MOTION TO APPROVE THE CONSENT AGENDA**. Vice Chair Baca seconded the motion. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED, unanimously**.

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

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

John Rutter

Mr. Rutter is from the New Mexico Houndsmen Association. He called in once again about access to District bosque lands. Mr. Rutter added that he is concerned about the damage that is being done to the bosque by people gaining access illegally and using their ATVs on the river in Belen.

Jason Casuga responded that while we did have some moisture, the valley pretty much consumed it. There are no plans to open up the bosque for the month of August. Mr. Casuga added that MRGCD is aware of the various ways people are gaining access illegally. MRGCD is working with NM DOT to try to put up some barriers. Mike Hamman added that MRGCD is also working with Valencia County law enforcement to do a "blitz" on the bosque in the near future.

Mr. Rutter expressed his frustration that his Association has many mobility-impaired members, and that throughout their lives, they spent much time in the bosque, doing their exercises, training their animals, etc.

Fred Moore

Mr. Moore called in again in support of Mr. Rutter and echoed Mr. Rutter's sentiments.

Ryan Wood

Mr. Wood was also here in support of Mr. Rutter and Mr. Moore. He clarified that the reason the bosque is closed is not due to damage from usage but from it being a fire danger because of the dry climate. Jason Casuga reiterated that back to Mr. Wood. Mr. Wood offered that in the future, maybe New Mexico Houndsmen could help with the damage that is being done by the cutting of locks and tearing down of barriers, etc.

AGENDA ITEM NO. 7 – REPORT(S) FROM THE DEPARTMENT OF THE INTERIOR

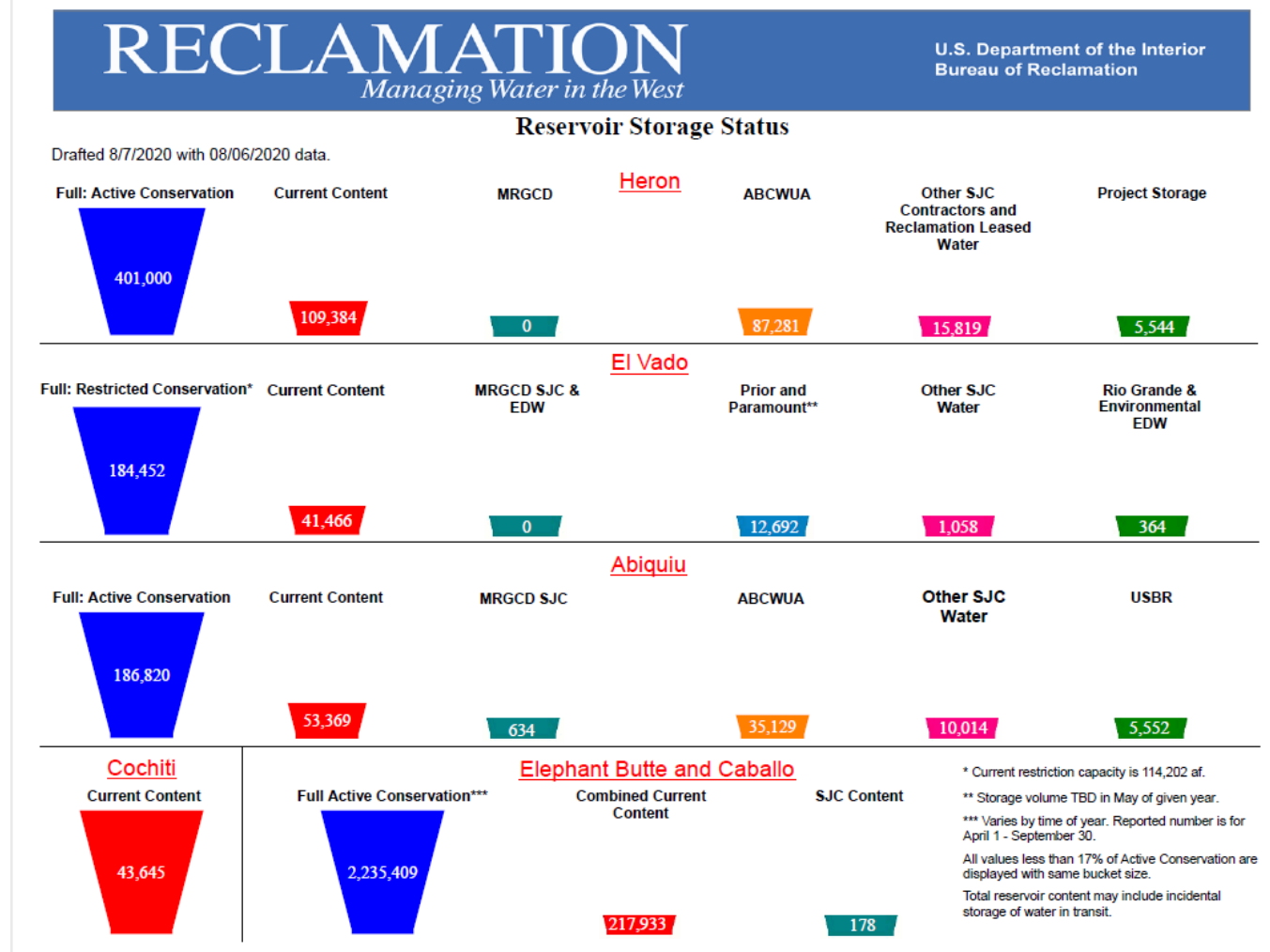
a. Bureau of Reclamation - Jennifer Faler, Area Manager

Jennifer Faler extended BOR's appreciation of the coordinated response between the agencies and that MRGCD has shown great leadership in working with the Compact, the Interstate Stream Commission, federal agencies, and local agencies. There has been tremendous communication this year on the river, and the results are playing that out. The press has also been right on, acknowledging the impacts on farmers and people, along with the environment, while appropriately acknowledging all of us for the cooperation and efforts of the water management agencies and entities.

The Bureau of Reclamation added environmental stewardship to their mission statement in the '90s, not because they wanted to expand their mission but because they realize there is a relationship between the reliability of water supply and taking care of the environment. If we don't take care of the environment, we get more and more listed species, and other agencies, like Fish and Wildlife, can usurp that control from BOR.

BOR is looking forward to continuing to work with MRGCD through these difficult issues to minimize impact on farmers, while supporting the environment and the species that are listed, that they have been charged with the Biological Opinion to manage.

The BOR also shared the reservoir storage status:



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

Unfortunately, there was a poor connection with Viola Sanchez; she sent a written report as follows:

General

1. The Pueblos are closed, Isleta closed again last week for at least 2 weeks after being open about 2 months.

Operation and Maintenance (O&M).

1. 650 wasteway emergency repairs. All water was routed through the Albuquerque Main as the Atrisco Feeder couldn't be used. It made diversions into laterals easier for Sandia Pueblo. Isleta Pueblo reported no shortages during this time. The project was completed earlier than the scheduled completion date of 7/17/20.

Water Operations

1. There have been no complaints this year on water deliveries.
2. The permission to use of debit water is greatly appreciated. Otherwise it would have been the earliest time that P&P-only operations would have begun in decades, and that would have been difficult. The Pueblo of Isleta wrote a thank-you letter to the Rio Grande Compact commissioners.
2. The P&P release methodology was changed as a result of MRGCD starting to use Compact debit water to make fewer gate changes, thus making reservoir operations easier. It can result in over- or under- releases of P&P water, but we balance it out as time goes on. P&P releases went to zero when heavy rains hit in late July and early August and there was very little or no P&P demand. I am trying to make higher P&P releases available during times of high overall District demand, and lower releases when the overall District demand is down.
3. The request from MRGCD for a steady average release through August is being considered by the Pueblos. A conference call with the Pueblos is scheduled for Wednesday August 12. We will discuss District plans for September Operations, with Compact debit releases only through Labor Day, and surplus P&P stored water turned back to MRGCD at the end of September for release in the winter to Elephant Butte.
4. I have shared the District request for shutting down District diversions including P&P October 1. The Pueblos are less likely to agree to an October 1 shutdown of P&P deliveries than to other proposed modifications to standard District operations. One reason is because of reduced transport efficiencies in October trying to get water to Elephant Butte as evapotranspiration losses are still significant in October. Last year an attempt was made to deliver water to Elephant Butte in October, but water didn't start arriving at Elephant Butte until November. Part of the reason was that the river not being connected to the reservoir last fall. Indications from Reclamation are that the river is better connected to Elephant Butte this year than last year. It's more likely the Pueblos might reach agreement for things such as reduced deliveries and some scheduling and rotating in October and November than a complete shutdown October 1. There might be

better transport efficiencies running the water through the irrigation system to below Isleta than through the Rio Grande through Albuquerque. Also, the Pueblos typically require ceremonial flows in early November.

5. As far as the District's idea to begin the 2021 irrigation season on April 1, the Pueblos have started late in the Cochiti Division before, but usually that means the 2nd or 3rd week of March. Pueblos in the Albuquerque and Belen Divisions have typically started operations with the rest of the District irrigators in those divisions, as Pueblo irrigators are a smaller percentage of the overall District users in those divisions. They might be open to starting April 1 start in 2021, although there might be some ceremonial uses in mid-March. I will discuss the request with the Pueblos on Wednesday.
6. This is a note on the discussion held earlier in the board meeting on the 200,000 ac-ft limit to NM's debit under compact. New Mexico's debit has been as high as 529,400 ac-ft in 1956. The 200,000 ac-ft is New Mexico's debit limit under the Compact, and exceeding that limit makes New Mexico in violation of the Compact and vulnerable to a lawsuit like the one against Colorado in the 1960's. That lawsuit by New Mexico and Texas against Colorado led to adjudication of San Luis Valley.
7. Right now the practical storage limit in El Vado is about 114,000 ac-ft due to safety issues with the dam. The state's current estimate of debit for 2020 is 48,000 ac-ft, which when added to the 38,000 ac-ft of 2019 debit gives an accumulated debit in the range of about 85,000-90,000 ac-ft going into 2021. P&P storage in recent years has varied between about 14,000-45,000 ac-ft. Depending on the amount of P&P storage required next year, there is a good possibility that there will not be any room, or very little room, for general District native storage in El Vado in 2021. That is assuming that Compact Article VII restrictions can be lifted in time to store native water for non-P&P lands in El Vado during next year's spring runoff. It's possible that only next year's allocation of San Juan-Chama water will be available for non-P&P MRGCD storage next year. (Please keep in mind that the state's current debit estimate can change considerably between now and the end of the year depending on the weather.)
8. NM got out of serious debit in the past because of the construction of the Low Flow Conveyance Channel. I understand that there are environmental considerations with re-digging the Low Flow Conveyance Channel, but it would be good to investigate New Mexico's debit situation long-term and the possible use of the Low Flow Conveyance Channel to help New Mexico get out of debit and operate within the requirements of the Compact.
9. There are fewer and fewer willing San Juan-Chama contractors willing to sell or lease water for silvery minnow releases by Reclamation. If Reclamation can't buy up water for minnow in the future, this will add to more issues in the future.

MRGCD Board meeting 8/10/20
Report of the Designated Engineer
Bureau of Indian Affairs

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Please let me know if you would like more information or clarification.

Thank you,
Viola Sanchez

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AGENDA ITEM NO. 8 – REPORT(S) FROM THE CHIEF ENGINEER - Mike A. Hamman, PE

a. Water and Natural Resources Committee Meeting - John Thompson, Lobbyist

John Thompson reported that on August 6th, the Water and Natural Resources Committee met. Mr. Thompson sent the Board the handouts that the committee members used that day in their discussion. Unfortunately, the meeting on August 6th was plagued with some technical issues.

Mr. Thompson's observation of the conversation as it pertained to Mr. Hamman and the other panelists' presentation was purely informative in nature. Surprisingly, there was very little questioning at the end of it. Senator Linda Lopez thanked Mr. Hamman and the Conservancy District for their outreach to the acequia community and the improvement of the relationship. Representative Herrera had a brief question about revenue stream. Representative Small had a brief question in regard to an EBID issue.

b. Update on COVID-19 Response Issues and Limited Office Reopening Schedule - Mike Hamman, CE/CEO

The COVID process is a moving target each week, but we have been working closely with the HR Department and our division managers to make sure that we are providing the utmost in communications with staff regarding policies and procedures from the Governor's Office and the Department of Health.

We have had a few incidences being in the vicinity of people that had tested positive for COVID and one positive test where two employees had potential exposure. As of now, everybody is back to work, and everything is running smooth again.

We are continuing to provide all the resources to keep their workstations and vehicles as clean as possible and virus-free as possible. Our employees are being informed about what they need to do if they need to meet in larger crowds. They must make the choice on their own insofar as using their own annual leave if they must quarantine, which is now reduced from 14 to 10 days.

Madam Chair commended all the staff as this is a crisis unlike any that we've ever faced before. She feels that MRGCD has done a really good job of leading it head-on.

c. Report on Water Supply Conditions and General Water Operations - David Gensler, Water Operations Division Manager

David Gensler reported that there is still much confusion about the water supply and the outlook for the rest of the season. It is still a very difficult and uncertain year for us. In many ways, it is the worst Mr. Gensler has ever been through. New Mexico and most of the southwest is in drought, most of it categorized as severe to extreme.

At the last meeting, Mr. Gensler stated that we were all on pins and needles waiting for a potential rescue from the Rio Grande Compact Commissioners. We were down to just a few days of water left in storage, and we had made a request to the Compact Commissioners to be allowed to access the Compact Reserve in El Vado. At the time of the last Board Meeting, we did not know if we were going to have this water to operate on or not. Fortunately, we received word four days later that Colorado and Texas had agreed to the New Mexico Commissioner's request. Good thing they did that then, because some time the following day, we ran out of our own water, and we had to switch to drawing on that Rio Grande Compact pool. The good news is that there is still water flowing through the valley to our water users, and in the process, it's helping to keep the Rio Grande alive, barely.

He added that the amount of water is not large. It came with some conditions for its release, and, of course, the biggest challenge for us is that this is not a gift. This water must be replaced at the earliest opportunity. A lot of our water users requested, in some cases they were begging us, to find enough water to keep delivering at least through Labor Day (these are the farmers that grow vegetable, chile, corn, things that tend to reach the end of their growing cycle in September, and failure of the water supply before then would have been disastrous and resulted in loss of their crops).

Mr. Gensler said the Rio Grande Compact Commission allowed use of that water to see us through roughly the end of the first week in September (about September 7th), as long as that water lasts, at least. Again, it was not a large quantity of water. They requested that we use no more than 400 cubic feet per second on any day, and in the process of that release, that we maintain flow at Albuquerque at least 100cfs. So far, we have been able to do that, and we have used about roughly 10,000-acre feet of that water.

We had a couple of weeks with some rain showers just shortly after we switched to the Compact water, and so we were able to save some water from it. The rain was not heavy, the exception being at the south end of Socorro, where there was a couple of dramatic storms that did damage to our farmers down there. That rain eased demand and reduced our river losses substantially. However, things have dried out again, and we're having to run a pretty tight ship.

Most areas of the District are running at somewhere between 50-70% of normal right now. As an example, we have about 250cfs available for Belen and Socorro today. Normal for this time of year would be 400cfs (approximately 62%).

Today's flow at Embudo is 160 cubic feet per second ("CFS"). The Chama is contributing about 35 cubic feet per second, but below Abiquiu Reservoir, there is 600 cubic feet per second, reflecting the large release from storage needed to pop flows for the Rio Grande. Down at Otowi, above Cochiti Reservoir, there is 770 CFS. Entering the middle valley below Cochiti, there is just 605 CFS. This shows what a thirsty river this is, where all the losses happen. It takes these 605 cubic feet per second right now to result in that 100 CFS flow at Albuquerque. Between Cochiti and Albuquerque, we are diverting 140 CFS for our Cochiti Division, maintaining effectively normal operations for the four northern pueblos. At Angostura, we are diverting 270 CFS, which is much more than normal. This is to allow for efficient delivery of the remaining water down to Isleta Dam, where we have about 200 CFS right now to divert. Almost all of that water is getting through our drain system on the east side of the river and not through the river itself, which is why we over-divert at Angostura right now, to make for efficient carriage of that water.

The implication of all these numbers is that today, we are using about 370 CFS of the Compact water to produce 240 CFS for our water users south of Albuquerque. That shows what a thirsty valley we have, what a thirsty river this is, and it can give you a clue as what we could expect once that Rio Grande Compact release ends. We have less water arriving at Isleta today than we have coming out of storage from that Compact water. The implication is once the Compact water ends, there is very little, possibly zero, water at Isleta Dam.

Mr. Gensler believes we will make it through to Labor Day with that Compact water. We will meet our obligation for the Rio Grande Compact Commission's restrictions they put on the release. However, after that, once that release ends, we are going to be at the mercy of Mother Nature. If things continue as they have been, there will be very little natural flow the latter half of September, possibly only enough for the Pueblo Prior and Paramount lands. If there is rain, we may divert it and make it available, but we won't be in a position to supply water to non-Pueblo users absent some fall rains.

Mr. Gensler also prepared our users for possibly a short season this fall and also next spring. The trade-off for being allowed to use that Compact water was the commitment to replace it as soon as possible. Right now, we stand to have in excess of 100,000 acre-foot debt to the Compact. This is not sustainable, and it will severely limit our ability to operate to deliver water next year and subsequent years until we are back in the black in terms of the Compact obligation.

Mr. Gensler recommended to the Board that it consider the ending the 2020 irrigation season on October 1st this year and possibly to delay the start of the 2021 irrigation season until April 1 next spring. This will allow for two extra months of delivery water to Elephant Butte, which will make a noticeable difference in New Mexico's Compact credit/debit balance, so we can start to turn that ship around and get us back in the black.

Mike Hamman added that Mr. Gensler's recommendation will be on the agenda of the September 14th Board Meeting for a formal action of the Board to alter the irrigation season. It will be advertised to give folks opportunity to understand what MRGCD is doing so they may weigh in publicly if they wish to do so prior to us taking formal action on the 14th of September.

Chuck DuMars added that he is amazed that the Rio Grande Compact Commission allowed New Mexico to use the debit water. He asked if Mr. Hamman had written formal letters to the three Commissioners, thanking them. Mr. Hamman responded that there has been some email transmittals initially, but he will be writing formal letters of thanks once we get through the wind-down period. We want to know where we stand and want to be able to report everything we have done to minimize the use of the Compact Reserve as much as possible.

He also agreed with Mr. Gensler's suggestion about altering the irrigation season this year and next.

Madam Chair Dunning asked if we would use all 36,000 acre-feet of water. Mr. Gensler responded that we are only authorized to use it for 60 days (runs out right after Labor Day). He hopes we don't have to use the entire 36,000; however, currently, it looks like we will probably have to use it to get through to Labor Day. If we get any rain at all, we will try and save it so as not to use the Compact water. That water can then go down the river in December and help against that Compact balance.

Director Moore asked how MRGCD is planning on getting the word out to farmers. Mr. Gensler responded that it is very important to start getting the word out so the Board can be prepared to start having discussions and then maybe make a decision at the next meeting. After that meeting, an official press release will be made.

Director Moore asked if there was a priority for water use. Mr. Gensler responded that everyone has an equal right to the water. By and large, the vast majority of our water users have been good about giving their portion of water to other users based on their crop needs.

Vice Chair Baca thanked Mr. Hamman and Mr. Gensler and others for their hard work as his phone hasn't been ringing. He asked for a statement to be sent how he would like the word to get out on their social media and email list serves regarding this issue.

Director Kelly asked if we would be able to use water for traditional cultural uses beyond October 1st. Mr. Gensler responded that he has talked with the BIA Designated Engineer and asked her to converse with the pueblos about this. He suspects that we will continue to go ahead and deliver water onto the pueblos regardless of what the rest of the District does, probably through November 1 and a little bit afterwards (maybe even till November 15th). Most of those areas are at the northern end of our system and can be served without impacting the rest of the system, so we can keep those areas in operation with very little water. Mr. Gensler did, however, ask the Designated Engineer to approach the pueblos if they would consider an earlier shutdown to help us turn this Compact ship around.

Director Russo Baca asked that Mr. Gensler and Dr. DuMars clarify the legalities if we do not shut off the water by October 1st for irrigation and how that would affect the southern users. David Gensler responded that ideologically, in the future, as our debt gets larger and larger, we're going to be required to keep a larger and larger volume of water storage at El Vado. Essentially, we're going to wind up giving up our storage space in El Vado not being able to store and operate normally out of the next year and potentially even greater in future years, which is especially a problem now because of the reduced capacity of the reservoir. Mr. Gensler thinks it is really in our best interests to get this taken care of as quickly as possible. For the other two states (Colorado and Texas) to have agreed to this is really a pretty exceptional thing to have happened. They went out pretty far on a limb, against the wishes of a lot of their own water users. They are going to be struggling next year, just like we are

struggling this year. It is incumbent on us to help them out next year since they have been so generous to us. It just would not be good form.

Director Russo Baca feels even if we do start later, it could possibly help during the rest of our growing season, where the farmers won't have to shut off and on and off and on in order to make sure that our debt is essentially repaid and the system stays whole.

Chuck DuMars added under the Compact, the Commissioners did not have to do this at all. In fact, he is amazed how quickly they did it without a formal sit-down meeting by resolution to even get it exercised. The purpose of the Compact, the purpose of the water in storage, is to only be released at the end of the year, to make sure that the amount that's in storage upstream is equal to the debit that we have created by the delivery. .

Madam Chair asked about the total debit status. Right off of the top of Mr. Gensler's head, he believes at the end of this year, it is going to be right around 100,000 acre-feet that MRGCD owes to the Compact and 35,000 acre-feet to Water Utility Authority.

Director Moore asked how long we have to pay it back. Mr. Gensler responded that we run on a system of credits and debits. There is not really a fixed time span on it. But there are consequences of having that debt, and one of those consequences is the requirement to store an equivalent volume of water upstream, which takes up space in El Vado. Maybe it will take us a year, maybe it will take us five years, but as long as we owe that debt, there are consequences for our operations. He felt New Mexico has done well with its credits and debits in the last 15 or 20 years.

d. Update on Major Projects and Storm Impacts - Jason Casuga, COO

Mr. Casuga reviewed his presentation including photos emailed to the Board Members earlier that day regarding the emergency work of the 650 Wasteway. He stated construction began on July 6th and the completion was on July 16, 2020. He thanked Mike Lopez, Willie West, Joseph Brem and all the Albuquerque Division staff that worked tirelessly to get it done (some staff worked six days out of seven during the construction).

For the storm event on July 26th in Socorro County, David Gensler and Thomas Padilla, the Socorro Division ISO Supervisor, had completely shut off the system, prior to the storm event hitting.

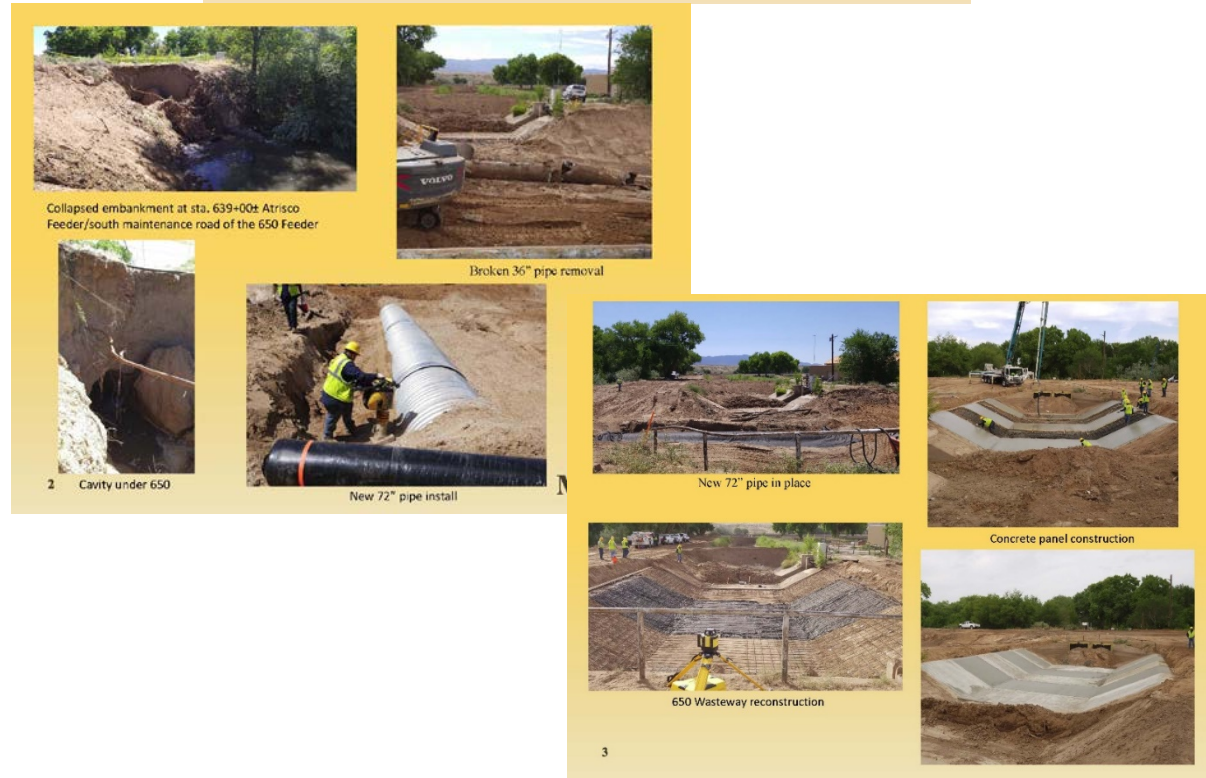
Mr. Casuga presented the Socorro Division flooding damages , north of San Antonio, stating that 99 percent of the damage of the District was along the San Antonio ditch on the west side.

He also mentioned they are investigating additional exposure of the Corrales Siphon (which was not a part of his presentation). As the water has gone extremely low, it is evident that the effects of the 2019 runoff has further degraded the riverbed.

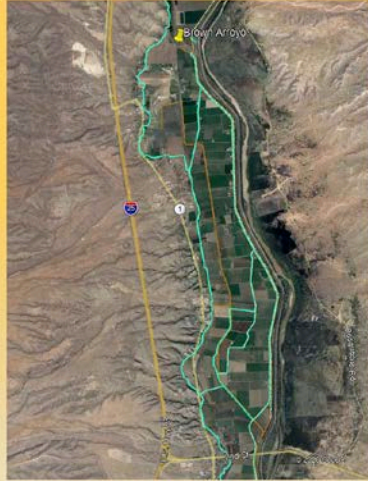
Madam Chairwoman Dunning asked if the water that was flooding property could be pumped out. Mr. Casuga responded that the sizes of pumps that MRGCD has probably would not be beneficial. The particular field shown in the pictures did not have any agricultural product growing on it.

Director Moore asked if there was any loss reported in the Socorro area due to the flooding. Mr. Casuga responded that he knows other fields were flooded, but individual farmers did not report to him regarding any losses.

Director Kelly asked if the railway company had culverts under the tracks that were plugged up at the San Antonio Ditch or did they just block it off with railroad embankment. Jason Casuga responded that there was nothing that allowed the water through. It looks like the whole arroyo was basically turned 90° to the south, and it just ends there.



Socorro Division Flooding



4

MRGCD



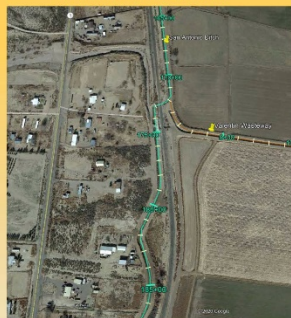
San Antonio Ditch ± 195+00



San Antonio Ditch ± 175+00



San Antonio Ditch ± 179+00



5



Flooded Property



San Antonio Ditch ±86+00



San Antonio Ditch ±92+00



San Antonio Ditch Overtopping Damage

6

MRGCD

e. Consideration/Approval of Revisions to the Water Distribution Policy - David Gensler, Water Operations Manager, and Dr. Charles Du-Mars, Chief Water Counsel

David Gensler stated the primary reason for these changes was to get a system of permits in place to allow pumping from our drains and canals and also a change to apply a minimum water service charge to all irrigators one (1) acre or less; which both were discussed at the July Board meeting.

Chuck DuMars added that the nominal cost as compared to watering your lawn with city water is really very small, and the benefit is huge. He stated he liked the new changes as well as the last sentence in item n, "Irrigator must not compensate ISOs or any other MRGCD employee with monetary or other kinds of payments for any services rendered on behalf of the MRGCD as *this may place that person's employment with the MRGCD in jeopardy*".

Board Members asked a few clarifying questions.

Director Kelly made the **MOTION TO APPROVE REVISIONS TO THE WATER DISTRIBUTION POLICY, SUBSTANTIALLY THE SAME AS ATTACHED.** Director Moore seconded the motion. Rollcall vote was administered. The **MOTION CARRIED unanimously.**

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

f. Consideration/Approval for Reprogramming of Endangered Species Habitat Funds to Fund ABCWUA San Juan-Chama Water for River Habitat Support Through a Bureau of Reclamation Contributed Funds Agreement - Mike Hamman, CE/CEO

The available amount of water that we have to operate the system is going to dramatically decline, therefore Mike Hamman asked the Board to consider repurposing and reauthorizing him to enter into a contributed funds agreement. It will allow MRGCD to reallocate its commitments for habitat construction for this year and to also repurpose, to help Reclamation buy additional federal operations water in the amount of 12,000-acre feet from the Albuquerque Bernalillo County Water Utility Authority. The New Mexico Interstate Stream Commission has already reprogrammed some of their Rio Grande Basin funds to the extent of \$100,000. MRGCD is looking to add \$250,000. This will fill the needed baseflow gap between now and November.

Madam Chairwoman Dunning asked what specific projects would not be done in order to move money into this reprogramming. Mike Hamman responded that specifically the program where he would take the funding from is the monitoring program of the drains to make sure MRGCD has a consistent data set demonstrating that fish are moving in and out of drains. He also believes that there may be surplus in other areas to move funds back into the monitoring of the drains.

Director Kelly asked if this was the last available block of water in the system for this year, to which Mr. Hamman responded in the affirmative.

Director Kelly made the **MOTION TO AUTHORIZE OUR CEO TO ENTER INTO THE NECESSARY AGREEMENT WITH THE BUREAU OF RECLAMATION WITH MRGCD**

CONTRIBUTING \$250,000, WITH THE UNDERSTANDING THAT THIS WILL BE OFFSET BY ELIMINATING FUNDING TOWARDS HABITAT PROJECTS THAT ARE PART OF OUR OBLIGATION UNDER THE BIOLOGICAL OPINION, AND FURTHER AUTHORIZE MR. HAMMAN SUBJECT TO LEGAL REVIEW OF THE AGREEMENT, TO SIGN IT ON BEHALF OF THE MRGCD. Director Moore seconded the motion. Rollcall vote was administered. The **MOTION CARRIED unanimously.**

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

g. Notification of the 2020 MRGCD Water Service Charge Reclassification Hearing per NMSA 73-18-8.1; Hearing Scheduled for September 14, 2020 - Mike Hamman, CE/CEO

Mike Hamman announced the annual Water Service Charge Reclassification Hearing will take place on September 14, 2020.

h. Consideration/Approval of Contract Renewals for MRGCD Legal Counsel and Approval of the Contract for Year One of a New Four-Year Agreement - Mike Hamman, CE/CEO

Discussion ensued regarding small changes that were incorporated into the two new contracts, to which Lorna Wiggins and Chuck DuMars agreed.

Director Kelly made the **MOTION TO APPROVE THE AGREEMENT FOR LEGAL COUNSEL SERVICES WITH WIGGINS, WILLIAMS, AND WIGGINS, SUBSTANTIALLY THE SAME AS ATTACHED.** Director Russo Baca seconded the motion. Rollcall vote was administered. The **MOTION CARRIED unanimously.**

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

Director Kelly made the **MOTION TO APPROVE THE CONTRACT WITH LRPA (LAW & RESOURCE PLANNING ASSOCIATES, P.C.), SUBSTANTIALLY THE SAME AS ATTACHED, WITH THE CHANGES DISCUSSED.** Director Moore seconded the motion. Rollcall vote was administered. The **MOTION CARRIED unanimously.**

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

i. Consideration/Approval of Memorandum of Agreement to Fund the Save Our Bosque Taskforce to Assist MRGCD with Community Projects in Southern Valencia and Socorro Counties - Yasmeen Najmi, MRGCD Planner

A draft MOA was sent to Board Members within their Board packets. Lorna Wiggins and Mike Hamman recommended a couple of slight changes to the document. Yasmeen Najmi gave a history of the taskforce. The Conservancy has been a major recipient of the efforts of the taskforce over the years. In the last three years, the taskforce has increased its influence, working with both public and private landowners on conservation and habitat improvements and wildfire mitigation. Ms. Najmi identified a few key areas that the taskforce is working on, and she feels that the taskforce work is very important to MRGCD. Ms. Najmi feels the time has come to hire a program manager to manage the increased work that must be done.

Gina Dello Russo, the Chairperson of the Save our Bosque Taskforce, discussed key areas that they have been working on in the past, i.e., the Central Socorro Bosque Project on MRGCD land in the bosque. She also thanked MRGCD for recognizing the taskforce's efforts and the partnership as important.

Mike Hamman added that we will be applying for an RCPP grant that is a comprehensive program with land and water conservation as the focus that the NRCS administers and has significant funding. By building all these interrelationships with Save our Bosque Taskforce, the Rio Grande Agricultural Land Trust, our two or three soil water and conservation districts in the area, and perhaps even some of the counties to work on this master planning effort to leverage these funds is going to be an exciting opportunity. This agreement is just another piece of a puzzle to get these partnerships funded and productive in advancing the District's long-term goals.

Director Moore made the **MOTION TO APPROVE MEMORANDUM OF AGREEMENT TO FUND THE SAVE OUR BOSQUE TASKFORCE TO ASSIST MRGCD WITH COMMUNITY PROJECTS IN SOUTHERN VALENCIA AND SOCORRO COUNTIES.** Director Kelly seconded the motion. Rollcall vote was administered. The **MOTION CARRIED unanimously.**

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

j. Notice of Award of National Resources Conservation Service PL83-566 Grant for Planning and Design of the *Southwestern Valencia County Flood Prevention and Agricultural Water Efficiency Project* - Mike Hamman, CE/CEO

Mike Hamman reported that the description of this project was handed out in the Board packet prior to today's meeting. They have shortened the name of this project to Belen Watershed Project. MRGCD was able to secure \$460,000 to begin planning and preliminary design work. It will not require any contribution other than staff time from the District to participate as it is 100% federal funding. It is a flood/stormwater management program that helps us stay within our commitments under the settlement agreement with Four Daughters Enterprises Inc. We are approaching it as a water salvage project for the benefit of the District, but the stormwater management issues benefits the whole community. The District would like to see Valencia County become the stormwater management agency tasked to do, in terms of, operation and maintenance of the stormwater facilities and the MRGCD will manage the system from a water salvage project. Staff plans to meet with the NRCS to discuss the particulars on Wednesday; and at some point, it will come back to the Board for approval.

Director Kelly asked if there would be a separate request for proposals. Mr. Hamman responded in the affirmative. Director Kelly also stated that we would want Valencia County to

be on the selection advisory committee and start taking ownership of the project at the very earliest stage. Mr. Hamman agreed and added that we hope to engage the City of Belen in the process as well. The committee will be comprised of three MRGCD members, one from Valencia County, and one from Belen, as well as the possibility of getting NM DOT involved.

Director Moore asked when Mr. Hamman thought this might be completed. Mr. Hamman responded that we have four years from the date of signing. Mr. Casuga added that there are three milestones, which are broken up: planning (involving NEPA), design and construction.

k. Update on Phase One Title Transfer Progress and Activities - Mike Hamman, CE/CEO

Mr. Hamman reported that the NEPA is well underway. Completion should be in a couple of weeks as per Sharon Wirth with Reclamation. He explained Phase I includes the Mountain View riverside drain and levee from the south outfall down to I-25; it also includes all District facilities south of Isleta Pueblo except the Drain Unit 7 Extension and the Low Flow Conveyance Channel as they are reserved works and some small properties that are BLM lands. We conferred with Isleta Pueblo and received their concurrence and support for the title transfer. The Pueblo is going to send a letter to that effect. Mr. Hamman feels everything is falling into place to actually get the title transfer through the Department of Interior by December 2020.

Mr. Hamman added a side note, the other thing that MRGCD is pursuing is taking over operation and maintenance of the Drain Unit 7 Extension, as well as the Low Flow Conveyance Channel in order for us to ultimately go to Congress to get that transferred to us as a separate item. The District will need to enter into operation and maintenance agreements with Reclamation to qualify to accept title to those facilities, which we eventually wish to occur.

AGENDA ITEM NO. 9 – REPORT(S) FROM THE MRGCD ATTORNEY(S) - Chief Water Counsel and/or General Counsel

Lorna Wiggins reported that on July 29th, Judge James Sanchez granted Summary Judgment to the District in the Carrillo versus MRGCD case that was a claim for personal injuries Mr. Carrillo alleged he suffered at the turnout to his property. It was defended in part by insurance defense counsel, Bob Becker, who worked really hard to demonstrate to the Court that Mr. Kevin Carrillo's testimony had changed radically from the time the first report was filed until the Summary Judgment pleadings. We have 30 days from the July 29th entry of the Summary Judgment Order for Mr. Tibo Chavez to determine whether he wanted to appeal the Judge's grant of Summary Judgment. Should that happen, Mrs. Wiggins will provide an update for the Board.

Madam Chair asked if these are usually appealed. Mrs. Wiggins stated that in a Summary Judgment Grant in State court, it is still enough of an anomaly that some plaintiff's lawyers routinely appeal. Mrs. Wiggins thinks that if Mr. Chavez were to review the record and give it some careful consideration, he would elect not to because the Judge's decision is based in part on a lack of credibility by the plaintiff in describing exactly what happened that contributed to his alleged damages.

AGENDA ITEM NO. 10 – REPORT(S) FROM THE MRGCD BOARD OF DIRECTORS

a. Report on the Conservation Advisory Board, July 16, 2020 - Director Moore

Director Moore reported the first item on the agenda was a Partial Season Leasing program. Casey Ish will be handling the field inspections once it's implemented. There are now close to 300 acres. The second item was the Rocky Mountain Youth Corps. The Bureau of Reclamation has funds to hire local youth, and they are going to be available to help the acequias and the community ditch maintenance in the middle valley. She said they had continued discussions on outfalls providing for the minnow.

Director Kelly made the **MOTION TO APPROVE REPORT ON THE CONSERVATION ADVISORY BOARD, JULY 16, 2020**. Vice Chair Baca seconded the motion. Rollcall vote was administered. The **MOTION CARRIED unanimously**.

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

b. Update on Gate Policy Development Meeting, July 23 and July 30, 2020 - Directors Baca, Russo Baca, and Vice Chair Baca

Director Russo Baca reported that Matt (Martinez) and Jason (Casuga) have been working really hard on this. They have met multiple times with good discussions. They are hoping to present something to the Board soon regarding more details about the gate policy and possibly clarifying the mission statement.

Vice Chair Baca added that they have been discussing issues that might arise, legacy, folks who have been using it forever. Jason Casuga added that he is hoping that everybody feels good enough with the policy to present a draft version at the next Board Meeting.

Director Moore made the **MOTION TO APPROVE REPORT ON THE GATE POLICY DEVELOPMENT MEETING, JULY 23 AND JULY 30, 2020**. Director Kelly seconded the motion. Rollcall vote was administered. The **MOTION CARRIED unanimously**.

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

c. Report with Rep. Miguel Garcia and Community Members Regarding Road Dedication Request Along Isleta Drain and Hooper Road, July 24, 2020 - Director Baca

Due to Director Baca being absent from today's meeting, this topic will be revisited at the next Board Meeting.

With no further comments, questions or concerns, Madam Chair Dunning adjourned the meeting at 6:01 p.m.

Approved to be the correct Minutes of the Board of Directors of August 10, 2020.

ATTESTED:

Pamela Fanelli, CMA, CGFM
Secretary/Treasurer

Karen Dunning, Chair
MRGCD Board of Directors