

**MINUTES OF THE  
REGULAR MEETING  
OF THE  
BOARD OF DIRECTORS OF THE  
MIDDLE RIO GRANDE CONSERVANCY DISTRICT  
FEBRUARY 11, 2019**

Directors having been duly notified, Chairman Duggins called the regular meeting to order at 3:05 pm at the MRGCD General Office. The following Directors and Staff were present:

**DIRECTORS**

Glen Duggins	Chairman
Joaquín Baca	Director
Karen Dunning	Director
John Kelly	Director
Beverly Romero	Director
Valerie Moore	Director

**STAFF**

Mike Hamman	Chief Engineer/CEO
Dr. DuMars	Chief Water Counsel
Bruce Wiggins	General Counsel
Lorna Wiggins	General Counsel
David M. Fergeson	Secretary-Treasurer
Jeanette Bustamante	Administrative Officer/CPO
David Gensler	Water Operations Manager
Becky Burnham	Budget Analyst
Alicia Lopez	Engineer 1
Celia Barreras	Receptionist
Yasmeen Najmi	Planner/RRA
Christine Nardi	Human Resource Director
Jason Casuga	Engineer Manager
Joe Brem	Albuquerque Division Manager
Sandy Ontiveros	Records Specialist
Mike Lopez	Construction Quality Control Mgr.
DeAnna Phillips	Mapping/GIS Technician
Sarah Avallone	Water Bank Program Manager
Anne Marken	Hydrologist II

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

Orlando Lucero, Bernalillo	Yolanda Gabaldon
Ernie Marquez, AES	Charles Gabaldon
Neri Holguin	Edmund R. Chavez, San Felipe Pueblo
Jeff Willis, AMAFCA	Stuart Paisano, Sandia Pueblo
Jim Wagener, Corrales	Viola Sanchez, BIA
Victor Saiz, La Joya	Seth Wagner, Corrales
Mathew Saiz, La Joya	Brook Wyman, Sandia Pueblo
Hank Tolliver, President La Joya Assn.	James Martin Lemitar
	Eugene Pickett

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

Celia Barreras, from MRGCD, led the Pledge of Allegiance. Celia Barreras is the Receptionist at MRGCD and greets and directs people going into MRGCD, as well as answers the phone. She is the first face and voice that people encounter when contacting the MRGCD office. Chairman Duggins and all directors each personally thanked Celia Barreras for doing such a great job and for being so outgoing and friendly.

Chairman Duggins welcomed the guests and declared a quorum.

**AGENDA ITEM NO. 2 – APPROVAL OF THE MEETING AGENDA**

No changes were made to the draft Agenda presented.

Director Moore made the **MOTION TO APPROVE THE MEETING AGENDA**. Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

**AGENDA ITEM NO. 3 – PROCEDURES IN RECRUITMENT AND APPOINTMENT OF MID-TERM VACANCY OF A SITTING MEMBER OF THE BOARD OF DIRECTORS - Lorna Wiggins, General Counsel****a. Qualified Candidates Statement of Interest in Serving as a Board Member - Chairman Duggins**

Lorna Wiggins began by explaining the election process, which was decided on by the Board of Directors at its January 28, 2019, Board Meeting. Interest in the open position was solicited for individuals who are eligible to serve. The MRGCD staff placed advertisements for the opening in the papers of general circulation, used press releases informing the public, and generally publicized the opening through communications with its other governmental partners, community members, constituents, and stakeholders. Deadline was set for February 7, 2019, at 2 p.m. to submit applications for the position. They determined that they would either make its selection at today's meeting or, if it opted, would schedule interviews of applicants who were eligible for the position.

Should the Board decide that it will vote today, a paper ballot will be used that contains the names of the four applicants for the position, all of whom staff has determined meet the eligibility requirements for the position. The names appear on the ballot in alphabetical order. We will ask that the Directors mark the ballot for one choice only and that multiple votes will not be counted. The ballots will then be counted by Lorna Wiggins, who will also announce the total number of votes cast. Ms. Wiggins will maintain possession of the ballots. If there is a tie vote, there will be a second vote. If there is a second tie vote, the election will then be decided by a card draw. The cards have been shuffled and are not in any order. The successful applicant will be sworn in, as the Board decides at its Special Meeting, at the next board meeting.

Two of the candidates (Mr. Sandoval and Mr. Stoliker) are unable to join us at today's meeting. The candidates who have attended today's meeting will be allowed to make a statement to the board. It was decided today, after Board discussion, that representatives would be allowed to also give a statement on behalf of the absent candidates. The board also decided that a proxy would be appointed to draw cards for the absent candidates, if card draw would need to occur.

It was decided that before further discussion regarding the card pull or interviews, the Board would go ahead and vote to see where the Board is at this time. Director Baca requested clarification on whether the votes of the Board Members would be made public. Lorna Wiggins noted that only the total votes cast would be announced. She further explained that the state statute provided very little guidance in this situation. Ms. Wiggins believes, after discussions with others and referencing Robert Rules of Order and other well-established resources, this was the appropriate recommendation on how to proceed. Director Baca again stated he was concerned about transparency and felt that all votes should be made public since each Board Member is an elected position and the open position will be appointed and not voted on by the Conservancy.

The candidates were introduced to the public and to the Board. First up was Orlando James Lucero. He is a small-time rancher in Bernalillo and retired teacher. He was also a member of the County Commission for eight years, where had a total of three absences during his terms. He also was chairman of the Planning and Zoning Commission in Bernalillo for five years and is a member of the Knights of Columbus (and farms four acres).

The next candidate was Michael T. Sandoval, who was absent; however, Stewart Paisano and Edmond Chavez made statements on behalf of Mr. Sandoval. Mr. Sandoval has been the Vice Chairman of the Six Middle Rio Grande Pueblos for the last two years and is in the role of a member of the Pueblo of San Felipe and is a farmer as well in the Pueblo. He's a long-life resident of the Pueblo of San Felipe and retired federal government employee in the Natural Resources Committee (Bureau of Indian Affairs). He has been active with the Water Coalition since leaving his tenure at the BIA with his own respected Pueblo. He has years of experience as a farmer on the ground and as an administrator. Mr. Paisano thinks he would be a great asset to this Board.

The next candidate was David Stoliker, who was absent; however, Director Kelly made a statement on his behalf. Mr. Stoliker currently works with the Farmington office of the Bureau of Reclamation, working with the pipeline from Navajo Reservation down to several communities. He was an engineer with Bernalillo County and executive engineer for the Southern Sandoval County Flood Control Authority (SSCAFCA). His breadth of experience covers not just flood control but water delivery systems and roadwork in his time at Bernalillo County. His resume is very detailed.

The last candidate was Jimmy Wagner, who is a farmer from Corrales. His family has farmed in Corrales and Socorro County for over 100 years. He was a member of this Board for eight years, and his dad was on this Board for 25 years. His family recently ventured into Bernalillo County to do organic farming. He has learned a lot while being on the Board, and he has always been fair in voting for tribes and everyone else. Mr. Wagner truly enjoys and loves farming.

**b. Discussion and Board Action Regarding the Appointment to Serve the Remaining Term for Position 7 of the Board of Directors - Lorna Wiggins, General Counsel**

It was decided to do a paper ballot vote to see where the Board is currently at with their wishes. Lorna Wiggins announced that six votes were cast, which resulted in a tie. Three votes for Michael T. Sandoval and three votes for Jimmy Wayne Wagner.

Discussion ensued with the directors regarding interviews and taking a second vote. Director Dunning requested a little bit of time to request Jeanette Bustamante to do some research on one of the candidates (details regarding candidate or the issue were not discussed at today's meeting). Directors Dunning, Baca, and Kelly wanted to do interviews. Directors Romero and Moore and Chairman Duggins were not opposed to do interviews but really did not want the issue to keep being pushed further out. They would like a swift decision made. Discussion then ensued regarding schedules and availability for the interviews and the selection date and time.

Directors Baca and Dunning very much want the votes to be made public, so discussion ensued regarding this topic as well.

Director Baca made the **MOTION TO MAKE THE SECOND VOTE TRANSPARENT TO THE PUBLIC**. Director Dunning seconded the motion. The vote was 4-2, and the **MOTION CARRIED**.

Director Dunning made the **MOTION TO INTERVIEW THE TOP TWO CANDIDATES (Sandoval and Wagner) AND THEN PROCEED WITH BOARD SELECTION ON FEBRUARY 21, 2019, AT 3 P.M.** Director Kelly seconded the motion. The **MOTION CARRIED UNANIMOUSLY**.

**AGENDA ITEM NO. 3.1 – REPORT(S) FROM THE 2019 ELECTION DIRECTOR - Ernie Marquez, Automated Election Services**

**a. Consideration/Approval of 2019 Election Poll Worker Compensation Rates**

Ernie Marquez shared the various prices that presiding judges and poll officials are paid throughout MRGCD. He asked for a small increase from \$150 to \$185 per day for presiding judges. He also asked for a small increase from \$125 to \$150 per day for poll officials. This would be an overall \$2,300 increase.



## MEMORANDUM

TO: Middle Rio Grande Conservancy  
District Board of Directors

FROM: Ernie Marquez, Election Director,  
Automated Election Services

DATE: January 28, 2019

RE: 2019 Poll Official Compensation

I am recommending the following compensation for the 2019 MRGCD Board of Directors Election. Election Day Presiding Judge \$185.00 each all other Election Day poll officials \$150.00.

If Necessary, mileage should be paid to (1) judge at the current government rate per mile at the time of the election for the return of all election materials, election returns and equipment on election night after the close of polls.

Director Kelly made the **MOTION TO APPROVE THE 2019 ELECTION PRESIDING JUDGE AND POLL WORKER COMPENSATION RATES**. Director Moore seconded the motion. The **MOTION CARRIED UNANIMOUSLY**.

**AGENDA ITEM NO. 4 – APPROVAL OF MRGCD PAYMENT RATIFICATION AND ATTORNEY INVOICES**

**a. Consideration/Approval of Payment Ratification for February 11, 2019**

Director Moore commented that with the last payment ratification and this payment ratification she was happy to see the heavy and light equipment being added.

Director Moore made the **MOTION TO APPROVE THE MRGCD PAYMENT RATIFICATION FOR FEBRUARY 11, 2019**. Director Romero seconded the motion. The **MOTION CARRIED UNANIMOUSLY**.

**b. Consideration/Approval of December 2018 Invoice for Law & Resource Planning Associates**

No discussion or comments ensued for the December 2018 Invoice for Law & Resource Planning Associates.

Director Romero made the **MOTION TO APPROVE THE DECEMBER 2018 INVOICE FOR LAW & RESOURCE PLANNING ASSOCIATES**. Director Kelly seconded the motion. The **MOTION CARRIED UNANIMOUSLY**.

**c. Consideration/Approval of January 2019 Invoice for Law & Resource Planning Associates**

No discussion or comments ensued for the January 2019 Invoice for Law & Resource Planning Associates.

Director Romero made the **MOTION TO APPROVE THE JANUARY 2019 INVOICE FOR LAW & RESOURCE PLANNING ASSOCIATES**. Director Baca seconded the motion. The **MOTION CARRIED UNANIMOUSLY**.

**d. Consideration/Approval of January 2019 Invoice for Wiggins, Williams & Wiggins**

No discussion or comments ensued for the January 2019 Invoice for Wiggins, Williams & Wiggins.

Director Moore made the **MOTION TO APPROVE THE JANUARY 2019 INVOICE FOR WIGGINS, WILLIAMS & WIGGINS**. Director Romero seconded the motion. The **MOTION CARRIED UNANIMOUSLY**.

**AGENDA ITEM NO. 5 – APPROVAL OF MRGCD MEETING MINUTES**

**a. Consideration/Approval of Minutes for Special Board Meeting - January 14, 2019**

Director Kelly noted that on page 3, line 137, referral is made to Chairman Kelly who said there would be a small checkbox. It should be Director Kelly, not Chairman Kelly.

Director Kelly made the **MOTION TO APPROVE THE MEETING MINUTES FOR THE SPECIAL BOARD MEETING, JANUARY 14, 2019, WITH THE ABOVE CHANGE.** Director Baca seconded the motion. The **MOTION CARRIED UNANIMOUSLY.**

**b. Consideration/Approval of Minutes for Regular Board Meeting - January 14, 2019**

No discussion, changes, or edits were discussed.

Director Romero made the **MOTION TO APPROVE THE MEETING MINUTES FOR THE REGULAR BOARD MEETING, JANUARY 14, 2019.** Director Moore seconded the motion. The **MOTION CARRIED UNANIMOUSLY.**

**c. Consideration/Approval of Minutes for Special Board Meeting - January 18, 2019**

Director Dunning called attention to comments reflected in the minutes that were made by Director Moore and Chairman Duggins during the January 18<sup>th</sup> meeting regarding who they felt should be appointed to the newly-opened position.

Director Moore made the **MOTION TO APPROVE THE MEETING MINUTES FOR THE SPECIAL BOARD MEETING, JANUARY 18, 2019.** Director Romero seconded the motion. The **MOTION CARRIED UNANIMOUSLY.**

**d. Consideration/Approval of Minutes for Regular Board Meeting - January 28, 2019**

A quorum was not made for the January 28<sup>th</sup> meeting; therefore, it was for informational purposes only. Approval of minutes is not necessary for informational meetings.

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

Eugene Pickett

Mr. Pickett lives in Pueblitos. He wanted to speak words of encouragement to the Board. He applauded their efforts in partnering with small towns regarding mitigation efforts and infrastructure efforts to address some of the problems with flooding. Director Kelly commented on Senator Baca's Bill 100, which identifies money to start the project to address flooding issues. Mike Hamman also commented that the Conservancy is looking to work with Representative Armstrong to amend the bill to be more inclusive of the Pueblitos area.

Charles Gabaldon

Mr. Gabaldon is one of the Commissioners of the La Joya Acequia Association. He had wanted to find common ground with MRGCD but is worried that the common ground cannot occur because 25% of water service charge is way too much for them to pay. The MRGCD payment required this year is a large part of the budget of \$26,000 that the Association needs to run the acequia.

Director Baca asked Mike Hamman for some history about the charges. Mike Hamman reported that the agreement was forged a few years ago with the La Joya Acequia Association and MRGCD. It addressed the fact that fees to La Joya have never been adjusted to reflect the true cost that the District incurred in off-site work preparation and things needed to do in

coordination of delivery of water to their head gate. The next increase is this coming year, where they will be paying 25% of water service charges. This agreement automatically ratchets up, based on MRGCD costs and what the Board approves for water service charges. They are currently paying \$6/acre, and the jump will increase to \$10.25/acre, which is a significant increase. They also have discussed with the La Joya leadership the possibility of them joining the District as an alternative to the current process.

Discussion ensued with recommendations on solutions; however, it was determined that since the item was not on the agenda, the Board asked that Mike Hamman come back with a recommendation at the next meeting.

Hank Toliver, a farmer and member of the Association, asked for floor time as well. He gave some background on what he and Mike Hamman have been discussing. They maintain 9½ miles of acequia with a budget of \$25,000-\$30,000 per year. There is approximately 1¼ miles from the end of the MRGCD canal to La Joya's head gate. La Joya recognizes that there are expenses incurred other than just the 1¼ mile stretch. Mr. Toliver and Mr. Hamman have discussed other options in pricing, including looking at a percentage of then-current water charges or paying 15% instead of 25%. They currently irrigate 600-800 acres on any given year.

Chuck DuMars gave a history on the La Joya Acequia Association. Ultimately, years ago, the La Joya people chose to not be part of MRGCD because they had a viable acequia, had access to water, and water was coming down the drain. Things have now changed. Given the fact that the current policy of the Board is to keep the valley green and keep it farming, Dr. DuMars feels this is worthy of discussion at a future board meeting.

Director Kelly asked about larger farms being covered by easements that RGALT negotiated. Mr. Toliver responded that, yes, there are several fairly large sections of farmland that are part of the RGALT projects.

Mike Hamman suggested that a presentation be given to the Board at a future Board Meeting, after Mr. Hamman and La Joya really understand the concerns and timeframes. In the interim, Mike Hamman will return to the next Board Meeting with recommendations on how to proceed with the payment.

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

### **a. U.S. Bureau of Reclamation – Ms. Jennifer Faler, Area Manager**

Ms. Faler was not in attendance of today's meeting. Therefore, this update will be deferred to a later meeting.

### **b. U.S. Bureau of Indian Affairs – Ms. Viola Sanchez, Designated Engineer**

Since Ms. Faler could not attend today's meeting, Viola Sanchez went over their handouts a little bit. The only thing of note is the Article 7 issue that currently, according to the Reclamation water buckets, we are sitting at 177,853. It needs to be over 400,000 before the District can store their newly-reclaimed lands in El Vado. BIA is already storing some, designated for Prior & Paramount. Based on the forecast for snow this year, minimum storage is just under 14,000 plus evaporation. Last year was about 45,000, which is a huge difference. That means that we will be living off spring runoff for Prior & Paramount until the end of July. If necessary, we would

release for August and September. Ms. Sanchez thinks it will be different this year, but we will have to wait and see how things work out.

As far as the contract, MRGCD will be receiving the fully-executed copy in email tomorrow, and then the money will be obligated. BIA also extended the first option year. Year four of five was an option year under the contract, so Ms. Sanchez chose to extend it. The money obligated is good through the end of August. By then, they should receive their budget and be able to obligate the next year's money. This, of course, is barring any shutdown.

Ms. Sanchez has been trying to work with Jason Casuga and the Pueblos to get the point where the Pueblos and the District can work together without her as the middle man.

Three big projects are coming, for which they will need turnouts. If the District cannot do them, they will hire a contractor and have them built to MRGCD's specs. Over the summer and fall, they will be installing 40 acres at Cochiti under concrete-lined ditch and pipes and installing approximately 150 acres under a new pipeline system at Santo Domingo. There are some check structures with two turnouts at Santo Domingo; however, those will not be addressed until next year.

Mike Hamman clarified that MRGCD is storing at El Vado currently, and, whatever flows above the minimum release are being stored and have potential to be part of three different pots of water (one being P&P, one credit water, and one Reclamation's fish operation water). The decision on that does not get made until May 1. Viola Sanchez noted that it is typical to start storing January 1, but if there are other things that need to be stored, they will do the allocation. She thinks expected March to July inflows are 178,000 a-f. By May, the District should have three-quarters of that in reservoir, and she is thinking possibly 15,000 or 16,000 a-f for P&P.

There is a possibility of 40,000 a-f in credit water and possibly 20,000 a-f in San Juan-Chama allocation this year. With that 60,000 a-f, if it is a halfway decent year, we should be able to get through the season with that. Of course, that depends on temperature and rainfall in the late summer.

Chairman Duggins ask where Elephant Butte is sitting currently. Viola Sanchez noted that Elephant Butte combined with Caballo total about 177,853-acre feet. At the current rate of storage, it will reach about 200,000 by March 1 (beginning of irrigation season); however, they are looking at Mexico, El Paso, number 1 and number 2 districts, and Elephant Butte irrigation district, which do not necessarily turn on March 1. Elephant Butte historically waits until May. She believes it will be difficult to get it to 400,000, which will take a warm rain on top of the snowpack. With March winds, we could lose the snowpack we have. It is just too early to tell.

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

**NEW BUSINESS**

**a. Bid Award - Jeanette Bustamante, Administrative Officer, CPO**

**1. 48' Lowboy Transport Trailer for ER&T**

No discussion or comments ensued on the 48' Lowboy Transport Trailer for ER&T.





# Memorandum

**To: MRGCD Chairman Kelly and Board of Directors  
Mike A. Hamman, CEO/CE  
David Fergeson, Secretary-Treasurer  
Jeanette Bustamante, Administrative Officer**

**From: Richard DeLoia, Purchasing Agent RD**

**Date: January 22, 2019**

**Re: REQUESTING BOARD APPROVAL FOR 48' TRAILER**

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**After thorough review MRGCD staff is requesting approval for 1 (one) 48' lowboy trailer and recommending award to 4 Rivers, per NM State Pricing Agreement #80-805-17-16205.**

VENDOR	48' LOWBOY TRANSPORT TRAILER		UNIT COST	GRAND TOTAL
4 RIVERS	MAKE EAGER BEAVER	MODEL 35GSL/S	\$78,973.00	\$78,973.00

**FY2019 Budget item: 48' Eager Beaver Transport Trailer - \$78,973.00**

Director Kelly made the **MOTION TO APPROVE THE 48' LOWBOY TRANSPORT TRAILER FOR ER&T FROM FOUR RIVERS IN THE AMOUNT OF \$78,973.** Director Moore seconded the motion. The **MOTION CARRIED UNANIMOUSLY.**

## **2. John Deere Tractor Model 6110M for Socorro Division**

Director Kelly asked why this tractor has a bucket on it instead of a traditional loader, backhoe, or excavator. Lorenzo responded that we have a mower in place. Chairman Duggins added that it is because the farm style comes with a three-point hitch, and industrial styles do not. Chairman Duggins also wondered why we were obtaining a manual instead of automatic when manuals are much more fuel efficient, and that, if you figure out the computer control, the computer control is a very nice system to have. Price difference is approximately \$10,000.



# Memorandum

**To: MRGCD Chairman Kelly and Board of Directors  
Mike A. Hamman, CEO/CE  
David Fergeson, Secretary-Treasurer  
Jeanette Bustamante, Administrative Officer**

**From: Richard DeLoia, Purchasing Agent RD**

**Date: January 30, 2019**

**Re: REQUESTING BOARD APPROVAL FOR SOCORRO DIVISION TRACTOR**

After thorough review MRGCD staff is requesting approval for 1 (one) John Deere Tractor and recommending award to New Mexico Tractor, per NM State Pricing Agreement #70-000-17-00057.

VENDOR	TRACTOR		UNIT COST	GRAND TOTAL
	MAKE	MODEL		
NM TRACTOR	JOHN DEERE	6110M	\$76,095.04	\$76,095.04

**FY2019 Socorro Budget item: John Deere 6110M tractor - \$76,095.04.**

Director Kelly made the **MOTION TO APPROVE THE PURCHASE OF A JOHN DEERE TRACTOR FOR SOCORRO DIVISION, NOT TO EXCEED \$88,000, WITH STAFF DECISION ON THE TYPE OF MODEL.** Chairman Duggins seconded the motion. The **MOTION CARRIED UNANIMOUSLY**

**b. Consideration of Resolution M-02-1-19-161, Disposal of MRGCD Worn-Out and Obsolete Surplus Equipment - Jeanette Bustamante, Administrative Officer/CPO**

Director Moore asked whether items were going to a commercial auction. David Fergeson and Jeanette Bustamante responded that the auction is done at MRGCD and on-line. Director Dunning asked about items that were over \$5,000 and the requirement of DFA approval. Jeanette Bustamante explained that each item over \$5,000 must have board approval first prior to sending up to Santa Fe for their approval for sale. Director Kelly commended David

Ferguson, Jeanette Bustamante, and the warehouse staff for clearing things out and not hanging onto it.

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

**DISPOSAL OF OBSOLETE ITEMS**

**M-02-11-19-161**

**WHEREAS**, certain miscellaneous equipment belonging to the Middle Rio Grande Conservancy District (MRGCD) are beyond economical repair, worn-out, obsolete or are no longer safe for continued use by the MRGCD; and


**WHEREAS**, the MRGCD may dispose of any item of tangible value and delete said item from its inventory if such item is:


1. of a current resale value of five thousand dollar (\$5,000) or less; or
2. having a current resale value greater than five thousand dollars (\$5,000); that has DFA approval; and

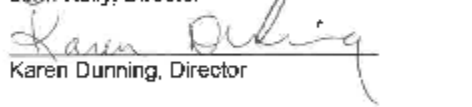
**NOW, THEREFORE BE IT RESOLVED THAT** this Resolution was adopted by the Middle Rio Grande Conservancy District Board of Directors and hereby approves the items that are obsolete, worn out and beyond economical repair as listed in Exhibit "A" attached hereto, and shall be disposed of in accordance with Chapters 13-6-1 and 13-6-2 NMSA 1978.

**DATED AND RESOLVED THIS 11<sup>th</sup> DAY OF FEBRUARY 2019**

**MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

  
Glen Duggins, Chairman of the Board

  
John Kelly, Director

  
Karen Dunning, Director

  
Joaquin Baca, Director

  
Beverly Romero, Director


  
Valerie Moore, Director

State of New Mexico  
County of Bernalillo



Signed before me on this 11<sup>th</sup> day of February, 2019.

Attest:  
  
David M. Ferguson, Secretary-Treasurer

  
My Commission Expires: 8-28-2022

Director Kelly made the **MOTION TO APPROVE RESOLUTION M-02-1-19-161**. Director Romero seconded the motion. The **MOTION CARRIED UNANIMOUSLY**.

**c. Report on Water Supply Conditions - David Gensler, Water Operations Manager**

Winter of 2019 continues nicely. Snowpack in the Sangre De Cristo's is pretty good, at around 102% for snow-water equivalent. Jemez is good, at about 94% of average. Things are leaner up in the San Juan's, where the bulk of our water comes from; however, it is reasonably good. The Chama basin is now at about 90% (January forecast was 70%). February weather outlook appears to be more of the same with normal to slightly-below normal temperatures and just succession of relatively small but frequent storms coming across New Mexico.

Stream flow forecasts are a little bit lower than the snow-water equivalent would suggest. El Vado inflow is currently forecast at 178,000-acre feet, 79% of average. Otowi is estimated at 525,000-acre feet, March through July, or 73% of average. It appears to be comfortable enough to allow us to store what we expect to at El Vado this spring and get us much further through the season on natural flow. It's certainly much, much improved from last year, which, as everybody knows, was an abysmally bad year. We could get some water out of Jemez this year. It has been years since we have had any significant water come out of Jemez.

Insofar as storage, we are storing, using credit from water relinquished to Texas in the past, under the Rio Grande Compact. The rate of increase is still pretty low. We have managed to park about 3,500-acre feet since January 1. Every year we ask Reclamation to start storing for us right after the first of the year, and they do. In recent years, we have had this process of deciding later in the season that gets water (how much is allocated for P&P versus District storage). Currently, it is all going into El Vado, under the District's permit for storage, and it's all Rio Grande going into storage.

Elephant Butte does continue to creep upwards. It's roughly 182,000 a-f today combined total storage, but there is a little bit of credit water down there. It is probably about 175,000-acre feet project storage. The magic 400,000-acre foot number is still a long way off, and we expect Rio Grande Compact Article 7 Restrictions will be in effect for a long time yet.

There was some indication at early AOP model runs, and we might emerge for a time this spring, to get out of Article 7 Restrictions; however, Mr. Gensler is not counting on it. He suspects that if it turns out that these forecasts are coming through, and it looks like the Butte is going to come up faster than expected; we can bet that those allocations down south will be up. They'll get some more water. They'll start pulling it out as fast as it comes in. So, there is nothing to hope for there.

Any storage that we accrue this spring will have to be against our remaining credit relinquishment. At this point in time, we will probably park about 40,000-acre feet of Rio Grande water and probably get a full or close to full San Juan-Chama allocation. We will probably be looking at 60,000 to 65,000-acre feet of water in supplemental storage this year, probably enough to get us through in a normal year.

Mr. Gensler heard from the ISC at their last meeting that they expect New Mexico is in the black for the 2018 Rio Grande Compact deliveries. Right now, they say it's about 5,000-acre feet, but, when all the accounting is done, they expect it will be probably just under 4,000-acre feet. We will have a small credit down at the Butte.

Soil moisture seems to be up in the valley (not based on any numbers). While being out there building, we are finding a few inches of water after digging down a few inches, which is a big change from last year. Last year, we had a lot of pressure for water as we were starting up. People were desperate. They were standing out there at the turnouts as we were trying to run ditches. We should have a less stress in March this year.

Director Moore asked Mr. Gensler for a short summary on his report so she can email to her farmers, so they know what to expect. Mr. Gensler said he would write up a summary report and hand the summary out at the next Board Meeting, which will be held in Socorro on February 25<sup>th</sup>.

**d. Report on Progress Regarding the MRGCD/NFWF Water Conservation and Leasing Agreement - David Gensler, Water Operations Manager**

David Gensler explained the fundamental concept underlying the agreement between MRGCD and the National Fish and Wildlife Foundation (NFWF). The fundamental concept is just if you pay the farmer to stop farming, then the water can stay in the river, and all is going to be good after that. There's plenty of water for everybody from that point on. On the surface, it seems like a win/win. The farmer makes some money. You get pretty good environmental flows. It's always pitched as voluntary. It seems to mesh with a lot of our ideas about free enterprise. It seems like a good thing, on the surface.

About 15 year ago, the District commissioned a study on it, which found some serious complications, such as: It's hard to quantify the water involved. How much do you get by fallowing this land? How much is involved in other things? Carriage losses would be hard to manage, especially with the carriage water. You've got to put a certain amount of water into a canal just to make the canal function properly, let alone the irrigation delivery. How do you enforce it?

While it's the farmer's choice to participate or not, there are trickle down impacts to the remaining farmers. Land goes out of production and doesn't come back, concentrating the burden of maintaining the system on the remaining users. Farming requires a certain critical mass. You've got to have seed dealers and implement dealers and transportation and processing and all these kinds of things. And if you get below some critical threshold value, possibly those collapse, and the guys that want to continue farming can't farm.

So, there are a lot of unknowns about forbearance and a lot of reasonably strong arguments against it. However, there are people that push the idea. There continues to be pressure on the District to explore it. Virtually, all irrigated Ag is getting the same thing: find some way to produce more water out of agriculture for environmental flows or, in some cases, M&I uses. We've got a 2016 BO that mentions getting water out of agriculture for the fish. So, how do we protect agriculture and the environment at the same time?

The original intent of that NFWF agreement last fall was pretty simple. It was just a pilot forbearance program. We signed the agreement; received some funding, and then we started looking more about what it would all entail. We considered some things that we might do differently. Several District staff and Board Members visited Imperial Irrigation District last November, which got the wheels turning. IID has a conservation program, designed to generate water for urban transfers. The City of San Diego brings money into that district for conservation practices, improved operations, technology, water leasing, etc. In exchange, water saved is transferred out of to San Diego. They have done it in such a way that it's boosting and growing

the district's Ag production and their farm economy. Their conservation program looks for the marginal waste, water that's not really doing much good for anybody, that's maybe Ag land that's producing at a loss, rearranges the resource for the benefit of both the farmers and the city.

The thought came about that maybe a similar conservation program could be established here, substituting the river system as the beneficiary instead of M&I. Since then, we've revisited the agreement with NFWF. NFWF seems like an ideal partner to explore this kind of idea with. They seem open to flexibility and maybe doing some kind of novel things here. They've been open to modifying the approach, looking at novel ideas, and not simply creating a classic farm forbearance program for environmental purposes. We've come up with this notion of turning this NFWF pilot leasing program into the birth of a District-wide conservation program. Currently, it is very much in the birth stages. We have a conservation program that can have at least four mechanisms for generating water out of it.

The first and foremost would be a farm-to-farm leasing program. The conservation program could facilitate transfers between farmers, trying to make more efficient use of the resource, putting the water where it's best available, allowing people alternates, places to park water rights temporarily, places, if you wanted to fallow and maybe make a little money instead. At the same time, trying to make more efficient use of the water and free some up for other purposes.

The marginal savings of water, somehow associated with these transfers, could be placed into a pool to be dedicated to river and habitat purposes, and the transfers could be facilitated, probably even subsidized, by federal funding through NFWF.

Second mechanism would be conveyance system improvements. We've been working on this for 20 years. Over the years, we've trimmed a lot of that from our operations. Essentially, we've picked the low-hanging fruit, the stuff we could do simply without a whole lot of expense. There is a lot of water that could be trimmed out of our operations, but it is costing more and more money to do so (things like the regulating reservoirs that we talked about over the years).

A third thing, we have not explored much to date, is on farm efficiency improvements. This is kind of a sleeping giant in the valley. Once the District delivers the water, it's pretty much up to the farmer. A lot of our valley irrigation practices are casual. They reflect the world as it was 100 or more years ago. We know this can change and probably is going to be forced to change eventually. There are a lot of very simple improvements that we can do on farm delivery infrastructure and on farm practices. The idea here is to create effectively through our conservation program a district extension service to go out there to study and assist our farmers, to take delivery of that onto the farm much more efficiently and not have standing water. We need to educate our farmers. Farmers know very well how much water their crop needs. What they don't understand sometimes is the mechanisms of delivering that quantity of water onto the field efficiently, getting it where it needs to go, recharging that root zone, not having any excess water leave the field over application, under application, trying to keep that soil moisture at just the right place.

We have a lot of on-farm infrastructure that's in poor shape, earth and ditches that are silted in and heavily vegetated. We have concrete ditches that are crumbling. Even a lot of these NRCS pipe systems that have come in in relatively recent years, a lot of them are poor performers. In some cases, they were under-designed, and in other cases, probably they just didn't look carefully at the canal side before they built these farm delivery systems. These types

of improvements are costly, not individually, but, when taken in the aggregate over thousands of irrigators, there is going to be a lot of money involved. A good program can channel federal funds to farmers to help make our valley greener than ever and probably in the process free up some water for other purposes.

Finally, probably a few simple forbearance leases is inevitable. The twist on this is that these need to be people who come to us for various reasons, strongly desiring to lease water for the fish. There are some people out there who say, "Well, I'm not doing much with this land. I'd like to do something else with the water." They have their own reasons for doing this. They're not looking for the highest dollar, but it does something for their hearts to be able to do something for the environment. We must make a nod to those people too. There should be a place in the program for simple forbearance leases. We need to make sure that we do in such a way that those leases do not encourage abandonment of Ag or place leases in competition with farmers looking for other water for their purposes.

We have rewritten some of the agreement language with NFWF to reflect our desire to establish a conservation program to meet the objectives of the District to support and encourage agriculture in our valley and the goals of NFWF to support habitat for endangered species. We have created a vision statement for our conservation committee, which describes our intent to increase District resilience through efficient water delivery and water use, encourage and support a productive regional agricultural economy, support ecosystem health and species conservation, and assist New Mexico to meet its obligation to downstream users under the Articles of the Rio Grande Compact.

To get this off and running, the first step is going to be to establish a committee, which would include a few Board Members, some staff, and some members of our public appointed to it. We would like to begin meeting as soon as possible. Initially, there's going to be funding available through this NFWF Reclamation agreement, which could be used to help build this program.

Mike Hamman added that this is another tool in the toolbox. He believes that the District needs to look out into the future, not the near future but decades into the future. He believes that there are a lot of people that have their eyes on the middle valley, and the District needs to take control of the future before somebody else does.

Chairman Duggins asked Chuck DuMars to ask Jim Hanks if he could attend a future board meeting and explain a little bit how their district works through these ideas.

Directors Baca and Moore have shown an interest in serving on the committee. Mike Hamman will begin putting the committee together. He has a few people in mind to approach. If any board member would like to add a name, they may contact Mr. Hamman. It was noted that as part of the budget, a stipend and mileage will be paid.

**e. Update on MRGCD Drought Contingency Plan - Anne Marken, Hydrologist I**

Anne Marken provided a draft of the drought plan in the board packets, which was written by West Consultants. We contracted with them in 2017 to develop a vulnerability assessment and an infrastructure assessment.

As part of the vulnerability assessment, the contractor was asked to define drought for the MRGCD, develop a tool to monitor drought, quantify the severity of that drought, and to provide recommendations for appropriate water management actions for each level of that defined

drought. Projections for water supply conditions over the next four decades were also part of that contract.

The second part of it was the infrastructure assessment. West Consultants was asked to identify the limitations and the operational challenges that faced MRGCD during drought and times when not in drought. They were asked to develop recommendations that would improve the efficiency of the system and allow us to increase our long-term resilience to drought. These recommendations were largely infrastructure.

The draft that was sent contained writings that Anne Marken pulled from West Consultants' reports. Anne Marken is asking for Board input, preferably in the next two weeks.

Director Kelly asked how much overlap is there with the Basin Study, and are we creating a separate wheel? To him, it seemed like developing flow rate projections for the Rio Grande is part of the Basin Study (a much bigger project than West Consultants Inc.). Ms. Marken responded that this plan is targeted towards the Middle Rio Grande, specifically the MRGCD. The Basin Study is a much larger scale project. Doing the projections was a requirement of the grant. Director Kelly asked how the projections match up with the early work in the Basin Study. Anne Marken was not really able to answer that question today, but she knew they reviewed the impact assessment that the Bureau previously produced. They used the same models.

Director Kelly was concerned about what he was seeing in the drought response actions. If this report is going to generate some capital improvements for ground water pumping, for irrigation improvements, for in-line reregulation reservoirs, he thinks we should have that project identified to where we can take a look at this suite of projects that we're looking, whether they're \$1,000, \$100,000, a million dollars, and start programming into that farm bill money to do some of the big ones. He believes this report does not get to a conceptual level of what we should be doing. David Gensler noted that early on in our discussions with West, they came back with things policy subjects, from which he steered them away. West stated that MRGCD was doing everything that they would recommend doing. We did talk to them about making some specific infrastructure recommendations. The meat of it is to have structured definitions that we can use for defining whether we're in drought or not. They have developed a process where we can do it objectively for better or worse, and then come to the Board and say, "Hey. We're in drought. What should we do about the water bank?" Mike Hamman reminded everyone that this was another tool; however, we must have this plan in place for future funding.

Director Kelly reiterated his concern that MRGCD is putting a bunch of money in this and not identifying a need for capital money. He thinks there should be quite a bit added to it. David Gensler agrees that there is still a lot more work to do on the plan, and he will go back to West with some more additions.

Director Moore asked for clarification on a term she has never heard before, which was "heat island." David Gensler explained it is an urban setting with acres of concrete, but you've got some other area that's a counter to that (Ag and wetland). It's a climate balance thing.

Chairman Duggins also asked what would be done if we are in severe drought and the water bank was not available. David Gensler responded that West had recommended not delivering water bank; however, Mr. Gensler explained to them that was a board policy decision. So, they removed that type of language. They provided a framework that we can come to the Board to help make those policy decisions.



**f. Consideration/Approval of Memorandum of Agreement with Rio Grande Agricultural Land Trust - Mike Hamman, CE/CEO**

No discussion regarding the Memorandum of Agreement.

**Memorandum of Agreement**

This Memorandum of Agreement (the "Agreement") is made and entered into this \_\_\_ day of \_\_\_, 2019 (the "Effective Date") by Rio Grande Agricultural Land Trust (RGALT), a 501c3 nonprofit land trust organization and U.S. tax-exempt public charity ("Grantee") with the address of PO Box 40043; Albuquerque, NM 87196 to induce **Middle Rio Grande Conservancy District (MRGCD)**, a quasi-governmental entity under the state of New Mexico ("Grantor") with its principal place of business at 1931 Second Street SW, Albuquerque, NM 87102, and mailing address of P.O. Box 581, Albuquerque, NM 87103, to make a grant in the initial amount of U.S. \$25,000 in fiscal year 2019 to Grantee for operational support to conduct outreach and implementation of land and water conservation as described below (the "Purpose").

WHEREAS, the mission of Grantee is to conserve land and water for people and wildlife; and

WHEREAS, the mission of Grantor is to provide irrigation, drainage, and flood protection services while preserving the ecological and quality of life values within the middle Rio Grande valley; and

WHEREAS, Grantee is subject to certain requirements and restrictions imposed by the Internal Revenue Code (the "Code") on charitable organizations; and

WHEREAS, the Rio Grande and its tributaries within New Mexico (the "Rio Grande Watershed") is a major source of water for more than half of the state's population, including those living in metropolitan and rural communities and on Native American pueblos and tribal lands as well as 60,000 acres of irrigated farmlands from Cochiti Dam to Bosque del Apache National Wildlife Refuge; and

WHEREAS, the Grantee serves urban and rural communities by protecting land and agricultural water rights forever through voluntary conservation easements which help maintain the viability of agriculture and ecosystem resiliency in the middle Rio Grande valley, MRGCD's service area; and

WHEREAS, the Grantee fosters public and private partnerships that result in collaborations between private landowners (including agricultural landowners), government agencies, state and federal wildlife refuges, Native American tribes, non-profit organizations, businesses, and private individuals,

NOW THEREFORE, Grantee and Grantor (collectively the "Parties") agree to the following:

1. **Grant implementation.** The initial amount of the Grant (as defined below) is \$25,000, but Grantor may increase the amount of the Grant throughout the Term (as defined below), if additional funds are appropriated and made available by Grantor, by providing written notice to Grantee of such increases. For the purposes of this Agreement and notwithstanding any provision of this Agreement to the Contrary, the defined term the "Grant" means the initial amount of \$25,000 plus the cumulative amount of any additional funds granted by Grantor to Grantee under this Agreement. Beginning in fiscal year 2020 (July 1, 2019) Grantor will deliver the initial Grant amount of \$25,000 to Grantee in two installments: one of \$15,000 on or before July 15, 2019; and one of \$10,000 on or before March 1, 2020, shall continue future installments on or before July 15 and March 1 in subsequent years as defined in the Term. Grantor will deliver any increased amounts of the Grant to Grantee on a similar schedule (60/40 allocation within the fiscal year). Grantor and Grantee agree that Grantee requires advances of the Grant funds (rather than reimbursements of already-expended funds) in order to pursue the Purpose. Grantee will provide annual progress reports to Grantor that describe how the immediately preceding advance of the Grant funds was utilized by Grantee and how any upcoming advance is intended to be utilized by Grantee. Grantee will use the Grant received from Grantor only for the Purpose. Exhibit A is provided as a further description of work intended to be conducted for the Purpose. The Parties acknowledge that Grantee will have full control and responsibility over the planning, content, terms and implementation to achieve the Purpose and that any line items of the budget may be adjusted among categories to meet the Purpose. Grantee will retain its organizational authority to select contractors and grantees according to its own policies and procedures, including those related to due diligence procedures and the Conflict of Interest Policy, while assuring such parties' qualifications and performance are appropriate to achieve the Purpose and to meet the legal requirements for a U.S. public charity in the jurisdiction where the work is performed. As such, if any party identified in a proposal is not selected or retained, another party or Grantee employees with appropriate qualifications may be selected by Grantee to complete the work to achieve the Purpose.
2. **Term.** The period of time would be five consecutive years during which Grantee shall use the Grant begins on July 1, 2019, and continues through June 30, 2024 (the "Term").
3. **Warranties and Representations of Grantee.** The Grant shall not be used for anything other than the Purpose. Grantee is a tax-exempt U.S. public charity. In the event that there is any change in Grantee organization's tax-exempt status, Grantee will immediately notify Grantor of such change.
4. **Annual and Final Reports.** Within sixty (60) days following the end of each of Grantor's fiscal year and the expiration of the Term, Grantee shall submit an annual report and a final report. The final report will include a description of all work funded under the Grant performed each year during the Term.

5. Amendments. This Agreement may be amended from time to time upon the written agreement of the parties.
6. Books and Records. Grantee shall maintain records in accordance with General Accepted Accounting Practices and as required to support records for Code purposes. The reports submitted to Grantor shall be kept for at least six (6) years after completion of the use of all Grant funds. Grantee will permit Grantor, or its duly authorized representative to inspect records reflecting all work done, labor performed and material furnished in connection with the activities funded under this Agreement.
7. Intellectual property. Rights to any intellectual property created in part or wholly with funds under this Agreement vest solely with Grantee. Grantor may receive up to 10 copies of any final publications produced under this Agreement at no cost.
8. Publicity. Any publicity related to the work funded by this Agreement shall be approved by both Parties, prior to disseminating.
9. Remedies. Grantee agrees that Grantor may withhold Grant funds or terminate any commitment under this Agreement if Grantee fails to comply with the Agreement. Grantee may terminate this Agreement in the event it determines that the work undertaken or this Agreement will violate its policies or standard operating procedures or result in adverse publicity to Grantee.
10. Choice of Law. The law of the State of New Mexico exclusively shall govern and apply to any and all legal proceedings pertaining to this Agreement. This Agreement shall be deemed to be entered into and formed in New Mexico and shall become effective when Grantor executes this instrument, bearing its Executive Director's signature. By execution of this Agreement, Grantee submits to the personal jurisdiction and venue of the courts of New Mexico.
11. Termination for Lack of Appropriations. Funding for the initial \$25,000 of the Grant has been appropriated by Grantor's governing board. Notwithstanding any other provisions in this Agreement, its continuation beyond the end of the fiscal year is contingent on Grantor's governing board making the appropriations necessary to fund the Agreement. If sufficient appropriations are not made, this Agreement may be terminated at the end of Grantor's then current fiscal year upon written notice given by Grantor to Grantee. Such termination shall not constitute a default. All payment obligations of Grantor and all of its interest in the Agreement will cease upon the date of termination. Grantor's decision as to whether sufficient appropriations are available shall be accepted by Grantee and shall be final.
12. Termination for Convenience: Either party may terminate this Agreement at any time by giving at least thirty (30) consecutive calendar days' notice in writing of such termination to the other party. In the event this Agreement is terminated for any reason other than a material default by Grantee, Grantor will pay Grantee for any work performed or expenses incurred, as of the termination date.
13. Entire Agreement. This Agreement sets forth the entire understanding of the parties concerning the Grant and supersedes all prior or contemporaneous communications and negotiations, both oral and written, relating to the Agreement.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be made as of the Effective Date.

**Middle Rio Grande Conservancy District**

By: \_\_\_\_\_

Name and Title: \_\_\_\_\_

**Rio Grande Agricultural Land Trust**

By: \_\_\_\_\_

Name and Title: \_\_\_\_\_

**Attest:**

\_\_\_\_\_  
David M. Ferguson, Secretary-Treasurer

**Exhibit A  
To Memorandum of Agreement**

Grantee's work in the middle Rio Grande, funded by this Agreement, may include various combinations of the following tasks, as reasonably determined by Grantee:

1. Conduct public outreach to promote agricultural land and water conservation to stakeholders in the MRGCD, including private landowners. Organize, publicize, coordinate, or participate in at least four community workshops per year. Participate in community events, and produce articles and public service announcements in various media sources (print, on-line, radio, social media) acknowledging the funding and contribution of Grantor.
2. Recruit private landowners to pursue Conservation Easements and water conservation projects on their properties.
3. Research, and make application to, prospective third-party funding sources to fund development of alternative public/private funding partnerships for meeting the MRGCD's and the grantee's conservation goals.
4. Coordinate with appropriate MRGCD staff and partners in efforts to protect and promote agricultural lands and water conservation in the MRGCD service area.
5. Coordinate with other private and public partners, on the collaborative development of conservation easements within the MRGCD service area.

6. Monitor and hold stewardship fund for all conservation easements held by the Grantee.
7. Work with Bernalillo County, Corrales Farmland Preservation, and other communities in the MRGCD service area to raise community awareness and facilitate protection of private lands necessary to sustain agriculture, wildlife, and ecosystem resiliency.

Grantee may use the funds received within project area as determined by Grantee in its reasonable discretion.

Director Moore made the **MOTION TO APPROVE MEMORANDUM OF AGREEMENT WITH RIO GRANDE AGRICULTURAL LAND TRUST**. Director Baca the motion. The **MOTION CARRIED UNANIMOUSLY**.

**g. Update on Title Transfer Process - Mike Hamman, CE/CEO**

Mike Hamman included in the Board packet the copy of the Memorandum of Agreement that he and Ms. Faler have signed.

**h. Invitation to Meet with Albuquerque Mayor Tim Keller and Staff on February 14, 2019 - Mike Hamman, CE/CEO**

This meeting will be held at 3 p.m. on February 14. It is for intergovernmental exchange with really no discussion of policy or decisions to be made and to get acquainted with the Keller administration. We will discuss some of the issues we are working on together, including, but not limited to Rio Grande Park Agreement, Open Space, and the homeless concerns.

Since there will be a quorum of the Board at the meeting, a Notice of meeting will be posted.

**i. Report on NM Legislature - John Thompson, MRGCD Lobbyist**

John Thompson was not in attendance of today's meeting; however, Mike Hamman discussed a handful of bills that are potentially impacting the District in both a positive and potentially negative way.

House Bill 266 has to do with how we are involved in the Rio Grande Water Fund. The bill is trying to pull a million dollars out of each of the permanent funds, both of which we could participate in. We are trying to get the State legislature to properly fund the State Engineer's Office and ISC because right now, they are pulling quite a bit of money out of the funds just for operating expenses. The new Governor has not yet addressed this problem in this year's budget. House Bill 2 is the bill they do for general fund purposes for funding agencies. As a compromise to alleviate concerns by us and the Acequia Association and anybody else that utilizes these funds, they are going to appropriate enough funds for the State Engineer's Office, out of the general operating funds, to compensate for House Bill 266.

House Bill 17 is a water leasing restrictive bill. The acequias are concerned and people who own in the Pecos are concerned about no oversight over oil and gas and the water leases. We are that if it is a blanket that could cause us trouble in setting up our water bank and our leasing program. We want farm-to-farm to be exempted.

House Bill 174 was a really difficult bill for us in that they were trying to impose more control over the Middle Valley with ISC and the State Engineer because people are concerned that we are not going to ultimately make our Compact deliveries. We have recalibrated that bill to where it is palatable for us to sign on to it. Chuck DuMars added that we have basically turned it upside down. It's a bill now that says that the State Engineer is directed to provide support our PBU. It is going to provide funding for water planning in the basin. It is going to evaluate over time rates of flow and different types of data that will be useful for us in our water planning effort. It has a substantial amount of money in it. The important part about it is that when it comes to Compact

enforcement, it references two different sources of authority, one of which can't trump the other. The active water resource management and the Middle Rio Grande Conservancy District conservancy code makes it clear that nothing in the bill can modify our authority and says that anything done in active water resource management must coordinate with the MRGCD.

Senate Bill 100 was almost a slap in the face to what we were trying to set up down in the southern Valencia County / northern Socorro County by Senator Baca. He just appropriated money to Department of Transportation. It is outside their purview to do flood control projects for the "City of Belen," and they did not include us or Valencia County. We rewrote a new version of that to be more inclusive to make a planning effort. We recommended upping the funding to have \$500,000 dedicated strictly to do a master plan in that area, which includes us, DOT, Valencia County, and City of Belen, collectively. We don't want the Pueblitos area or any of those other little communities south of Belen ignored in this bill. We have coordinated with Representatives Armstrong, Fajardo, and Baldonado, and, hopefully, they're going to get with Senator Baca to try to turn his head a little bit in the right direction here.

**j. Approved CEO Contracting Authority Approvals (Informational Purposes)**

Information was provided in the Board packets for today's meeting; however, this was not discussed at today's meeting.



## Memorandum

**To: MRGCD Chairman Duggins and Board of Directors  
David Ferguson, Secretary-Treasurer**

**From: Mike Hamman, CE/CEO**

**Date: February 7, 2019**

**Re: CEO Contracting Authority Awards for January 2019**

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1/2" WIRE ROPE, OPEN SOCKET (STAINLESS) OPEN END FABRICATED ASSEMBLIES AS PER SPECIFICATIONS ON SCHEDULES I-IV OF THE FORMAL QUOTE FOR RIVER SECTION GATES AND MISCELLANEOUS ACCESSORIES FOR 31 GATES

Industrial & Mine Supply Purvis Industries \$18,407.50

**k. Notification of Reclassification of Land (Informational Purposes)**

Information was provided in the Board packets for today's meeting; however, this was not discussed at today's meeting.



**MEMORANDUM  
GIS/MAPPING DEPARTMENT**

**FYI**

TO: Mike Hamman, Chief Executive Officer

FROM: Doug Strech, Mapping/GIS Supervisor

DATE: February 11, 2019

MEMORANDUM

FYI

RE: Properties omitted or excluded from the Appraisal Record and now recognized as within the Benefited Area of the MRGCD.

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The following properties have been reclassified in recognition of the benefits received.

SANDOVAL COUNTY

1. **Tract 73A =20.881 ac. and Tract 74A =11.420 ac., as shown on the Lot Consolidation Plat Prepared for Mark & Belle T. Rehder (filed on 4/21/1997), on MRGCD Map 4.**  
Ownership: Kevin Wrigley  
Division: Cochiti
2. **Lot A= 7.1942 ac., as shown on the Plat of Lots "A" and "B" Portion of Lands of Arnold J. Rael and Patricia Rael (filed 5/30/1996), on MRGCD Map 3.**  
Ownership: Phoebe K. Suina  
Division: Cochiti
3. **MRGCD Map 4 Tract 76B =0.8379 ac. and Tract 77A2 =3.1943 ac. (4.0322 ac. tot.)**  
Ownership: Leroy Band Velda M. Ortiz  
Division: Cochiti
4. **Lot 1 = 5.6780 ac., as shown on The Lands of The Heirs of Lizandro Rivera plat (filed 7/3/1985), on MRGCD Map 4.**  
Ownership: Roy Rivera  
Division: Cochiti
5. **MRGCD Map 15 Tract 8 =1.6679 ac.**  
Ownership: Consuela Marcal Osborne  
Division: Albuquerque
6. **Tract AI = 1.716 ac., as shown on the Land Division Plat Tract A - Buehler Subdivision (filed 5/1/1971), on MRGCD Map 16.**  
Ownership: Mike J. and Brenda Cordova  
Division: Albuquerque
7. **MRGCD Map 15 Tract 12 = 1.7586ac.**  
Ownership: V. Raynaldo and Mary R. Rivera  
Division: Albuquerque

BERNALILLO COUNTY

8. **Tract G = 5.1565 ac., as shown on the Roberson Ranch Subdivision plat (filed 11/21/1979), on MRGCD Map 26.**  
Ownership: Pierre Jr. and Leslie A. Amestoy  
Division: Albuquerque
9. **Tract CI= 23.5344 ac., as shown on the Plat of Tracts CI, CI, & RI, Roberson Ranch Subdivision (filed 3/30/1994), on MRGCD Map 26.**  
Ownership: City of Albuquerque  
Division: Albuquerque
10. **Tract Z1 = 2.242 ac. and Tract Z2 = 1.00 ac., as shown on the Land Division Plat Summary Subdivision Land of Hubert Smith (filed 12/12/1979), on MRGCD Map 54.**

Ownership: Diana F. Eichert  
Division: Albuquerque

VALENCIA COUNTY

11. Tract 26B1=9.5935 ac., as shown on the Claim of Exemption Plat of Lands of Yolanda Chavez Downey MRGCD Map No 121 & 122 (filed 2/2/2016), on MRGCD Map 121.  
Ownership : Thomas M. and Sylvia M. Meketi  
Division: Belen
12. Tract B = 6.215 ac., as shown on the Revised Plat Showing Land of Peter Sandoval (filed 2/25/1986), on MRGCD Map 110  
Ownership: Johnny O . Trujillo  
Division: Belen
13. MRGCD Map 66 Tract 99=3.20 ac. and Tract 122A =2.19 ac. (5.39 ac. tot.)  
Ownership: Philip Ries and Carolyn Kincade  
Division: Belen

SOCORRO COUNTY

14. All of Block Six (6) and Lots 2,4,6,8,10,12,14,16 of Block Nine (9) of the Townsite of San Antonio, New Mexico (filed 5/11/1909), on MRGCD Map 173.  
Ownership: Peter Van Riper  
Division: Socorro
15. MRGCD Map 156 Tract 45A1D2 =6.2930 ac.  
Ownership: Samantha & Blake R. Rainsdon  
Division: Socorro
16. MRGCD Map 175 Tract 83B =5.60 ac.  
Ownership: Phillip & Janell Gallegos  
Division: Socorro

**I. Approved Licenses for January 2019 (Informational Purposes)**

Information was provided in the Board packets for today's meeting; however, this was not discussed at today's meeting.



**MEMORANDUM  
ENGINEERING DEPARTMENT**

**FYI**

TO: Mike Hamman, Chief Executive Officer  
FROM: Matt Martinez, Licensing and Land Sales Coordinator  
DATE: February 11, 2019  
RE: MRGCD Licenses

The following license requests were approved by staff for the month of January 2019.

1. SP-053-2018\_Amd1(2018)— License amendment with J&S Development to extend the expiration date for temporary access of the Alameda Interior Drain right-of-way to continue construction of the “3308 4<sup>th</sup> St. Mixed Use Building” project.
2. SP-067-2018—License with Star Paving to dewater and construct a 72”Ø culvert crossing within the Indian Interior Drain per the Isleta Pueblo “Phase II Quiet Zone-NM 314 Widening at NM147” project.
3. SP-068-2018—License with Tetra Tech. Inc. to access restoration sites within the Rio Grande Bosque and Levees to conduct Southwestern Willow Flycatcher and Yellow Billed Cuckoo surveys.
4. SP-069-2018—License with Hawke Morgan for temporary access of the Peralta Main Canal right-for the “Hays Apple Farm Cyclocross Bike Race” on January 5<sup>th</sup>, 2019.

5. SP-070-2018— License with Hawke Morgan for temporary access of the Peralta Main Canal right-for the “Hays Apple Farm Cyclocross Bike Race II” on January 13<sup>th</sup>, 2019.
6. SP-001-2019—License with LAV Construction and Septic to construct a 60”Ø X 24’ RCP culvert crossing with concrete headwalls within the Tome Interior Drain right-of-way.
7. 3-034-2018—License with Jaramillo Lands-Parcel B, LLC to install and maintain a 60”Ø X 24’ RCP culvert crossing with concrete headwalls within the Tome Acequia right-of-way.
8. 2-052-2018—License with New Mexico Department of Transportation (NMDOT) to install and maintain a 72”Ø culvert crossing within the Indian Interior Drain right-of-way per the Isleta Pueblo “Phase II Quiet Zone-NM 314 Widening at NM147” project.
9. 3-087-2018—License with Comcast Cable to install and maintain an aerial utility crossing on existing power poles within the Enrique Lateral and Tome Interior Drain right-of-way.
10. 3-089-2018—License with Comcast Cable to install and maintain a 2”Ø HDPE buried utility within the La Constancia Acequia right-of-way.
11. 3-092-2018—License with Comcast Cable to install and maintain an aerial utility on existing power poles within the Peralta Main Canal right-of-way.
12. 2-100-2018—License with PNM to install and maintain a parallel aerial utility within the Harwood Lateral right-of-way.

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

Chuck DuMars is involved in the negotiation for money out of the farm bill in Washington, D.C. He is receiving knowledge about how we can obtain access for Middle Rio Grande Conservancy District.

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

**a. Report on Presentation to Sierra Club on January 7, 2019 - Directors Baca and Dunning**

Director Dunning reported that this actually was not the Sierra Club. It was the Bosque Action Team, which is kind of a subcommittee that was concerned about the Bosque when the previous Mayor was going to do some work in it. They asked MRGCD to come to the meeting, and Directors Dunning and Baca updated them on the water leasing program and other broader issues. Director Baca added that the meeting was well-attended.

Director Kelly made the **MOTION TO APPROVE DIRECTORS BACA'S AND DUNNING'S REPORT ON THE PRESENTATION TO SIERRA CLUB ON JANUARY 7, 2019.** Director Moore seconded the motion. The **MOTION CARRIED UNANIMOUSLY.**

**b. Report on Meeting with the La Joya Acequia Board on January 10, 2019 - Chairman Duggins and Director Moore**

This topic was covered above in the Public Comment area. No further discussion ensued, except approval of the report.

Director Kelly made the **MOTION TO APPROVE CHAIRMAN DUGGINS' AND DIRECTOR MOORE'S REPORT ON THE MEETING WITH THE LA JOYA ACEQUIA BOARD ON JANUARY 10, 2019.** Director Dunning seconded the motion. The **MOTION CARRIED UNANIMOUSLY.**

**AGENDA ITEM NO. 11 – EXECUTIVE SESSION**

Director Kelly made the **MOTION TO GO TO INTO EXECUTIVE SESSION.** Director Baca seconded the motion. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED.**

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

**a. NMSA 1978 Open Meetings Act, Section 10-15-1(H)2**  
**1. Limited Personnel Matters**

Discussion ensued during executive session with no decisions made.

Director Dunning made the **MOTION TO RETURN TO REGULAR SESSION.** Director Baca seconded the motion. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED.**

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

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

The meeting was adjourned at 6:24 p.m.

Approved to be the correct Minutes of the Board of Directors of February 11, 2019.

**ATTESTED:**

\_\_\_\_\_  
 David M. Fergeson  
 Secretary/Treasurer

\_\_\_\_\_  
 Glen Duggins, Chairman of the Board  
 Middle Rio Grande Conservancy District