

**MINUTES OF THE
TWO THOUSAND EIGHTY THIRD REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
February 22, 2016**

Directors having been duly notified, Chairman Lente called the regular meeting to order at 3:00 pm at the Garcia Opera House in Socorro, New Mexico. The following Directors and Staff were present:

DIRECTORS:

Derrick J. Lente	Chair
Adrian Oglesby	Vice-Chair
Glen Duggins	Director
Karen Dunning	Director
John P. Kelly	Director
Chris Sichler	Director
Beverly Romero	Director

STAFF:

Michael A. Hamman	Chief Engineer/CEO
Dr. Charles T. DuMars	Chief Water Counsel
Bruce & Lorna Wiggins	General Legal Counsel
David Fergeson	Secretary/Treasurer
Ray Gomez	Assistant Engineer
Eric Zamora	Asst. Chief Engineer for Ops.
Tom Thorpe	Public Information Officer
Lorenzo Benavidez	Socorro Division Manager
Sloan Washburn	Belen Division Manager

The following individual(s) were interested viewers and/or participants:

Josie Lopez	Mike Lopez, MRGCD Socorro Division
Johnny Mounyo	Kyle Lucero, MRGCD Socorro Division
Elaine M. Padilla	Carol Benavidez, MRGCD Belen Division
Tony Lopez	Felipe Baca, MRGCD Socorro Division
Gary Stansifer, Office of the State Engineer	Erica Alvarado, MRGCD Socorro Division
Will Kolbensschlag, Socorro Soil & Water Conservation District	Jeff Greenwood, MRGCD Socorro Division
Nyleen Troxel Stowe, Socorro Soil & Water Conservation District	Anthony Turrietta, MRGCD Socorro Division
Roxann Moore, National Resource Conservation Service	Stephen Jojola, MRGCD Socorro Division
Paul & Gayle Rhodes	Thomas Padilla, MRGCD Socorro Division
David M. Torres	Brian Olney, MRGCD Socorro Division
Larry Van Landingham	Cuatro Bursum, First State Bank-Socorro
Alan Brawley	Deliah Walsh, Socorro County
Luis Aguilar	Joseph Herrera, Socorro Electric Coop
David L. Wade, Socorro Electric Coop Board of Trustees	Valerie Moore
Nick Carrasio	Jim & Betty McPhaul
Cecil Rosales	Doug Boykin, NM State Forestry
Wade Orr	Carol Kloss
Travis Harris	Frank Chaves, Pueblo of Sandia
Matthew Harris	Judy Holcom, SEC Trustee
Annabell Romero, Socorro County Schools	Barbara Romero, Field Representative-
Alan Conklin	Congressman Steve Pearce
Dan Kloss	Marilyn Davenport
Lee Kichner	Gary Fillingin
Dr. Donald L. Wolberg, Socorro Electric Coop	Joe & Betty Saavek
Donald Monette, City of Socorro	Frances Cases
Charlotte Monette	Linda Rosales
Cecilia Rosacker	John Thompson, MRGCD Lobbyist
Eleanor Miller	Dawn Weaver, Socorro High School CAP
	Cameron Cases, Socorro High School CAP
	Zachary Cases, Socorro High School CAP

Pauline Jaramillo, Board Member Socorro Consolidated Schools Robert Jaramillo, Polvadera MDWCA Randall Earwood, Superintendent, Socorro Consolidated Schools Paula Sichler, Snake Ranch LLC Cindy Lam, First State Bank Lester Cotchall, Socorro County Consultants Bethany Rosales, Rosales Farm Tracey Hamilton, Socorro County Jay Santillanes, City of Socorro Willie Lucero John R. Mann Will Schmidt Nicholas Eveleigh John Larson, El Defensor Chieftain Keith Bansman, HR Director Socorro Consolidated Schools	Ashli Romero, Socorro High School CAP Selena Saavedra, Socorro High School CAP Anne Dorrough, Socorro Electric Coop Board of Trustees Jim Dorough Dennis Harris Hezekiah Oxford Benjamin Oxford Jadon Marsyla Jennifer Othart Tomas Carrases Lencho Vega Prescilla Mauldin Arlene Charles Leroy Gutierrez
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AGENDA ITEM NO. 1 – PRESENTATION OF THE FLAG – SOCORRO HIGH SCHOOL CIVIL AIR PATROL

Chairman Lente requested that guests stand for the Presentation of the Flag.

AGENDA ITEM NO. 3 – PLAYING OF THE NATIONAL ANTHEM – SOCORRO HIGH SCHOOL WARRIOR MARCHING BAND

AGENDA ITEM NO. 2 – PLEDGE OF ALLEGIANCE

David Wade requested that everyone remain standing to recite the Pledge of Allegiance.

Chairman Lente introduced Mr. David Wade as a military veteran and a former MRGCD Board member appointed in 1971 and served until 1976.

AGENDA ITEM NO. 4 – THE PLEDGE OF ALLEGIANCE SONG – SARRACINO MIDDLE SCHOOL CHORUS

AGENDA ITEM NO. 5 – WELCOME STATEMENTS BY MRGCD BOARD CHAIRMAN DERRICK J. LENTE, SOCORRO COUNTY DIRECTOR CHRIS SICHLER & AT-LARGE DIRECTOR GLEN DUGGINS

Chairman Lente said the MRGCD Board and staff appreciate the warm welcome. He then introduced each of the Board members, staff and legal counsel at the head table. Chairman Lente said the Board made a decision to take the Board meeting to the counties they represent and serve and this is the first one, the next will be in Valencia County and in Sandoval County in April.

Director Sichler said that he was happy to see this many people attending an MRGCD Board meeting and he thinks the Board has an informative agenda to include the water outlook, ESA and how it might affect the District.

Director Duggins thanked the attendees and said the Board looks forward to detailing the projects that have been completed, are currently working and perhaps some future projects in Socorro County.

Chairman Lente named some guests in attendance at the meeting including Anne Dorough, Chair of the Board of Trustees Socorro Electric Coop, Joseph Herrera, General Manager of the Socorro Electric Coop, David Wade, Trustee of the Socorro Electric Coop and Dr. Donald L. Wolberg, Socorro Electric Coop.

Chairman Lente presented Don Monette, City of the Socorro City Council and Mr. Monette read into the record a letter from Mayor Ravi Bhasker regarding the Board's visit to Socorro and thanking the MRGCD for the work they are doing in Socorro and Socorro County. Mr. Monette introduced Randall Earwood, Superintendent, Socorro Consolidated Schools, Pauline Jaramillo and JC Trujillo, Board Members Socorro Consolidated Schools. Mr. Earwood said he is speaking on behalf of the Socorro School District and would like to thank the MRGCD and the City of Socorro for their project near Zimmerly Elementary School which made it safer for the school busses and parents to deliver students to the school.

Director Kelly read a letter into the record from the Socorro High School thanking him for his donation to the Socorro Warrior Band. He said he would like to thank Director Duggins for ramrodding this campaign on behalf of the band.

Director Dunning said she actually took Home Economics in school and she would like to do a special thank you to the Home Economics class that made the refreshments for the meeting.

AGENDA ITEM NO. 6 – APPROVE OF THE AGENDA

Chairman Lente called for approval of the agenda.

Director Dunning made the **MOTION TO APPROVE THE AGENDA AS PRESENTED**. Director Kelly seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 3 – APPROVAL BILLS & PAYROLL RATIFICATION & ATTORNEY INVOICES

- a. Consideration/Approval of Payment Ratification – February 22, 2016

Chairman Lente called for approval of the Bills and Payroll Ratification for February 22, 2016.

Director Kelly **MADE THE MOTION TO APPROVE THE BILLS AND PAYROLL RATIFICATION FOR FEBRUARY 22, 2016 AS PRESENTED**. Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

- b. Approval of January 2016 Invoice for Wiggins, Williams & Wiggins

Chairman Lente called for approval of the January 2016 invoice for Wiggins, Williams & Wiggins.

Director Dunning made the **MOTION TO APPROVE THE JANUARY 2016 INVOICE FOR WIGGINS, WILLIAMS & WIGGINS AS PRESENTED**. Director Duggins seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 4 – APPROVAL OF THE MINUTES

- a. Consideration/Approval of Minutes for Regular Board Meeting – February 8, 2016

Chairman Lente called for approval of the minutes for the Regular Board Meeting February 8, 2016. Director Kelly had one revision.

Director Romero made the **MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING FEBRUARY 8, 2016 AS REVISED**. Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 9 – INTRODUCTION OF MRGCD SOCORRO DIVISION FIELD STAFF – Mike Hamman, MRGCD CEO & Lorenzo Benavidez, MRGCD Socorro Division Manager

Mr. Hamman said the Socorro field staff works very hard all year long to maintain the system and to ensure MRGCD constituents have access to the water. He said he would like to introduce Lorenzo Benavidez, Socorro Division Manager and Mr. Benavidez will introduce his staff and discuss some of the projects they are working on.

Mr. Benavidez said he has been manager for about a year and he and his staff are working throughout the year to ensure that irrigation is more efficient for farmers and he requested his staff to stand and be recognized. Mr. Benavidez then showed slides of some projects the Socorro Division is currently working on, projects done with the City of Socorro and the community project with the State Highway Department. Mike Lopez, MRGCD Construction/Maintenance Supervisor gave input on the project at Zimmerly Elementary School. Mr. Benavidez introduced Julian Avalos, Ditch Rider Supervisor and the ditch rider staff, Tom Padilla, Dale Straley, Chad LeSueur and Joe Romero. Director Kelly asked Mr. Benavidez about the four day ten hours work schedule and Mr. Benavidez said it is working very well. Mr. Benavidez introduced Sloan Washburn, Belen Division Manager and Mr. Washburn introduced himself to the Socorro irrigators in the Belen Division and said he would like to visit with them if they have questions or concerns.

The following item was not included on the agenda. However, the following BOR Summary Report was received electronically and distributed to those attending the meeting.

BOR Summary Report

1. Heron Summary

Content = 69,723 ac-ft. (02/18)
 Azotea Tunnel: 50-60 cfs
 Total SJ-C inflow year-to-date: 694 ac-ft.
 Currently releasing: 0 cfs
 Current MRGCD storage: 1,521 ac-ft.

2. El Vado Summary

- A. Total storage (all contractors and natural) in El Vado as of 02/18:
34,461 ac-ft.
- B. Native in El Vado
14,681 ac-ft.
- C. MRGCD SJ-C storage in El Vado
13,892 ac-ft.
- D. NMISC EDWA:
1,206 ac-ft.
- E. P&P:
0 ac-ft.
- F. All other SJ-C contractors:
4,682 ac-ft.

Current release is 75 cfs RG Inflow is 100-150 cfs

3. Storage in Abiquiu

Content = 133,123 ac-ft. (02/18)
MRGCD SJ-C storage = 1,907 ac-ft.

Total supplemental water released to date for minnow in 2016: 0 ac-ft.

Snowpack Data
As of 02/19/16 (%of median)

Rio Chama Basin	97%
Upper Rio Grande Basin	106%
Sangre de Cristo Basin	116%
Jemez Basin	102%
San Juan River Basin	103%

January Streamflow Forecast

Rio Grande @ Del Norte CO	555,000 ac-ft. (108%)
El Vado Reservoir Inflow (Mar-Jul)	230,000 ac-ft. (102%)
Rio Grande @ Otowi	720,000 ac-ft. (100%)
Jemez R. Below Dam	39,000 ac-ft. (115%)
Rio Grande @ San Marcial	520,000 ac-ft. (102%)

AGENDA ITEM NO. 10 – REPORT(S) FROM THE CHIEF ENGINEER (Michael A. Hamman, MRGCD CEO/CE)

a. Report – General Focus & Priorities of the MRGCD – Mike Hamman, MRGCD CEO

Mr. Hamman said he wanted to take the opportunity to give a brief overview of the MRGCD priorities and some of the short term projects. He introduced Eric Zamora, Assistant Chief Engineer for Operations. He said Mr. Zamora works with each of the divisions of the MRGCD to ensure the system is run in a way that maximizes the water opportunities and to also maximize storage in El Vado when the water is available. Mr. Hamman said the District is always looking at the system and its facilities to find ways to improve the infrastructure to move the water more efficiently from Cochiti to Bosque del Apache and to be able to preserve the water to be able to get by during the short water years. Mr. Hamman said the MRGCD is also working to finalize the new Biological Opinion (BO) associated with the Endangered Species Act and Dr. DuMars will detail that later on the agenda. He said the MRGCD expends many resources on the BO and there is a Board committee that deals solely with ESA issues and that works collaboratively with other agencies. Mr. Hamman introduced David Ferguson, MRGCD Secretary/Treasurer and said Mr. Ferguson works closely with MRGCD division managers and staff to continue to improve the efficiencies and costs on an operational basis and that is also a top priority of the Board. Mr. Hamman said the irrigation season is just around the corner and the MRGCD will try their best to get the water to the Socorro irrigators as soon as possible. He said Socorro is at the bottom of the system and there is enough water in the system to get started and the system will be flushed beginning the last week of February through the middle of March and then irrigation can begin. Mr. Hamman said another thing he is working on is educating MRGCD Irrigation System Operators on how to distribute the water more efficiently and hoping to educate irrigators as well on scheduling and other efficiencies.

b. Water Report – David Gensler, MRGCD Hydrologist

Mr. Gensler reported that was unfortunately there was not a lot of good news on the snow fall. He said after getting off to a good early start, it fizzled a bit in February. He said there was a nice storm right beginning of the month and then nothing over the last few weeks. Mr. Gensler said the snowpack numbers are not climbing, but falling. He said the current SNOTEL sites; where the snow/water content is measured at various sites in the northern mountains, the Sangre de Christos are 105-120% of normal and 80% over in the Jemez basin. He said it is a little disheartening to see

the high early season numbers dropping, but it is not unusual either. Mr. Gensler said the long term forecast still calls for cooler and wetter than normal and there is still plenty of winter left. He said the March 1st forecast will be out in about ten days and he expects that it will be down substantially. Mr. Gensler said there is a storm working in the mountains right now and the numbers could quite possibly be up by tomorrow.

Mr. Gensler said there is good news on the storage front as the NM Interstate Stream Commission advised the MRGCD last Monday that New Mexico emerged from the Rio Grande Compact Article VII restrictions. He said the water level at Elephant Butte was up to a sufficient level that the MRGCD is now able to store water and the following morning he called Reclamation and requested to begin storing everything possible for the MRGCD. Mr. Gensler said this process is in accordance with the NM accounting position and under the other accounting method; the MRGCD is probably under restriction for a few more days. He said in any case, water is being stored right now and the MRGCD believes it is correct to do so. Mr. Gensler said how much water the MRGCD can ultimately store is a big unknown and will depend on spring snows and how and when water is released from Elephant Butte. He said at the moment the MRGCD is anticipating on being able to store 80,000 ac-ft. which will be a pretty good year.

Mr. Gensler said as far daily operation, the MRGCD will begin charging canals next week and, in particular interest for the Socorro Division, routing of flows will begin down the Unit 7 drain system later this week and that water will begin arriving at San Acacia on Monday afternoon and then Tuesday, March 1st, Lorenzo and Mike will have crews running water down the canals to clean and flush them out. He said as usual it's going to take two to three weeks to get everything up and functioning and then scheduled deliveries to the irrigators can begin later in the month. Mr. Gensler reported the other three MRGCD divisions will also be starting water next week and, at present, there appears to be plenty of water to work with. He said the flows in the river are currently about 1200 cfs; which is higher than the normal 800 cfs at this time of the year.

Mr. Gensler said that overall, although there is some uncertainty, 2016 looks to be a pretty decent irrigation season. He said the MRGCD is in better shape in terms of storage potential, river flows and soil moisture than has been experienced for at least the last four or five years.

Director Sichler said that Mr. Gensler mentioned the MRGCD is out of Article VII and able to store water and is there any word when the EBID or El Paso irrigation districts are going to begin irrigating. Mr. Gensler said there isn't any concrete schedule yet, but there is a lot of discussion that it might be sometime in March as well and he went on to give additional information. Director Sichler explained his reason for asking the question to the audience and asked Mr. Gensler to explain what happens when the MRGCD is storing water in and out of Article VII and Mr. Gensler complied.

- c. Report – Joint Road Safety Project Near Zimmerly Elementary School Recognizing the Town of Socorro, Socorro School District & MRGCD Socorro Field Division – Mike Hamman, MRGCD CEO & Glen Duggins, MRGCD Board Director At-Large

Mr. Hamman said in the letter from Mayor Bhasker that Mr. Monette read earlier in the meeting, the Mayor mentioned the City, the School Board and Socorro schools put together the plan for a safe corridor next to Zimmerly Elementary School. He said this was a joint cost share project and the MRGCD Socorro Division worked closely with the other entities to complete the project. Mr. Hamman said he would like to thank Director Duggins for spearheading the discussing the discussion on this project.

Mike Lopez, MRGCD Socorro Maintenance/Construction Supervisor joined Director Duggins. Director Duggins said JC Trujillo of the Socorro School Board is the one that began the project and involved him and made him aware there was a danger on the road for the school children. He said he got in touch with Mr. Hamman, they discussed the project, he contacted the other agencies, they all met and the project came together. Director Duggins then recited a story about a youngster that lived near the project and how Mike Lopez took care of the youngster and bought him a toy tractor out of his own pocket and presented it to him on his own time.

- d. Report – Projects in the MRGCD Socorro Division including the San Acacia Levee Project – Mike Hamman & Jerry Nieto, PE, US Army Corps of Engineers

Mr. Hamman said they have already discussed some of the ongoing projects in the Socorro Division and one of the larger ones is the San Acacia Levee Project and he went on to give a brief history of the project. Mr. Hamman showed a montage of slides of the various activities on the project site and said that when this project is completed, it will mean the Socorro area will be protected, no longer considered in the flood plain and there will not be a need for costly flood insurance.

Jerry Nieto, PE USACE said he will give a status update on the progress of the project and said the project was authorized for construction in 1948 and has been a long process. He said the USCAE received funding to begin the feasibility work in 1987 and that study was completed in 2014. Mr. Nieto said this project is the Rio Grande Floodway Socorro San Acacia to Bosque del Apache and the entire project represent almost \$400 million total project cost and 46 miles of levee work. He said the 46 miles was broken up into six segments and selected Socorro as the first segment because it is the segment that protects the most non-Federal benefits in the system. He said the limits of this project are from the San Acacia Diversion Dam south approximately five miles to the southern border of Bosque del Apache.

Mr. Nieto gave a PowerPoint presentation that highlighted several aspects of the project; contract miles, contract status, funding to date and future funding.

Director Dunning asked if the funding of this project was typical and Mr. Nieto gave a brief explanation of the sponsor funding. Director Oglesby said he was curious about the jetty jacks and Mr. Nieto gave an explanation. Director Kelly said his comment is about flood insurance; he explained the process and said it may take a year or two before all the paperwork is completed. Director Sichler said he would like to thank the USACE for helping the MRGCD to get this project done and it is a big deal for the Socorro area. He said he also wants to thank the MRGCD Board for approving the expenditure of over \$1 million on this project and he feels the Board is very committed to the levees all over the MRGCD. Director Sichler asked Mr. Hamman to speak to the issue of the MRGCD requesting actual titles to the land where the levees are located from the Bureau of Reclamation and Mr. Hamman gave that information. He said if these titles could be obtained by the MRGCD, those titles could be used to obtain a significant portion of the cost share for future projects. Director Sichler asked if the slides could be shown of the before and after of the levee construction and Mr. Hamman explained the slides, the location of the project, the ESA, sediment and vegetation issues that were resolved for the project.

- e. Discussion on NWRA Conference April 11-13, 2016-Washington, DC

Mr. Hamman said there is a National Water Resources Association (NWRA) conference that is an annual event where water users travel to Washington, DC and after the meetings are done, the participants can visit with their Congressional delegations and staff. He said those Board members that have expressed the desire to travel are Chairman Lente, Directors Romero and Duggins. Mr. Hamman reminded the Board that this conference does happen to fall in a week where there is a scheduled Board meeting and there will need to be a quorum to hold that Board meeting. He said MRGCD staff are beginning to schedule the appointments with the Congressional staff and other agencies.

- f. Update on 2016 Legislative Session – John Thompson, MRGCD Lobbyist

Mr. Thompson reported the 30 day Legislative session was completed last Thursday. He said 1,000 bills were introduced during this budget session and he reviewed some of the bills that affected both Socorro County and the MRGCD. Mr. Thompson said there was a movement at the last minute in the Senate to strike the appropriation for San Acacia and the vote was close, but failed. He said the last time the Board met they discussed HB 143 which was the bill to consolidate all non-partisan

elections, the bill passed the House with some favorable language the MRGCD added and then when it got to the Senate, there was some additional language added and the measure failed and the bill died in the Senate. Mr. Thompson said this is an issue that will definitely be brought up in the next 60 day session.

Director Dunning inquired about the sponsor from the Senate on the election bill and Mr. Thompson said it was co-sponsored by Senator Daniel Ivey-Soto. Director Kelly said it is incumbent on this Board that they need to have a serious discussion amongst themselves in preparation for the sixty day session and then they can give Mr. Thompson clear direction in advance and game plan this bill and Mr. Thompson said he agreed. Director Sichler said he concurs with Director Kelly on this bill and the Board needs to discuss this sooner rather than later. Mr. Hamman said the MRGCD also needs to reach out to the County Clerks and get their input on this legislation and this will be on his agenda in the near future. Dr. DuMars gave a brief history on representation in MRGCD elections.

- g. Approved Licenses for January 2016 (For Informational Purposes Only)

AGENDA ITEM NO. 11 – DOUG BOYKIN, PRESIDENT, SOCORRO SAVE OUR BOSQUE TASK FORCE

Mr. Boykin, Chairman of the Socorro Save Our Bosque Task Force presented a PowerPoint presentation and said the Socorro Bosque Task Force primarily focuses on the stretch of river between Sevilleta National Wildlife Refuge and Bosque del Apache. He gave a brief history of the Task Force, listed the current players of the Task Force, itemized the issues the Socorro Valley is addressing and then went on to give some of the products the Task Force has accomplished. Mr. Boykin said the Task Force is working to sustain river processes and wildlife habitat diversity with the current system and gave information on the 1996 San Pedro Wildfire. He then reviewed the Rhodes Property Phase I and II Accomplishments. Mr. Boykin showed a list of the current efforts that are being focused on by the Task Force and then gave recent events and future events for the Task Force i.e. 34th Bosque Conservation Day in October 2016, the Spring Trash Pickup Day on April 15th, the Public Forum in March 2016 and implementation of the Socorro County FEMA grant.

Director Kelly asked if Mr. Boykin had been following the controversies taking place in the Bernalillo County Bosque with Mayor and trails and those who don't want trails and he applauds Mr. Boykin for balancing accessible use with protection of the resources and that the MRGCD is able to help. Director Dunning said there is an invasive species of grass in growing in Bernalillo County that is creating problems and has it moved this way and Mr. Boykin said not as of this time. Mr. Hamman asked about fire suppression and Mr. Boykin responded that Forestry has the jurisdiction for suppression of management of on MRGCD lands. Director Oglesby asked about the \$1.2 million for fuel reduction and what was the source of that funding and Mr. Boykin responded that it was Federal funds. Director Oglesby said he would also like to thank Mr. Boykin for the role that his organization has in preserving agriculture lands and he wants to commend him for his work. Director Sichler said what he really likes about Socorro County, and Mr. Boykin touched on it, everybody does get have access the Bosque. He said there are times that the policy does cause conflict and he thinks it is good that everyone can get out and enjoy the Bosque.

AGENDA ITEM NO. 12 – REPORT(S) FROM THE ATTORNEY (Chief Water Counsel and/or General Counsel)

- a. Presentation on the Endangered Species Act and How it Affects the MRGCD – Dr. Charles T. DuMars, MRGCD Chief Water Counsel

Dr. DuMars said the Endangered Species Act (ESA) is an incredibly powerful Federal law that directly affects the MRGCD and charges the Fish & Wildlife Service (FWS) with the obligation to look for and list species that are subject to extinction and once these species are on the list, the FSW will do whatever is necessary to protect them. He said the species that have been listed in the Middle Rio Grande are the Rio Grande Silvery Minnow (RGSM), the Southwestern Willow Flycatcher,

Yellow-billed Cuckoo and the Meadow Jumping Mouse. He said the last three do affect operations of the MRGCD, but not to the degree of the RGSM.

Dr. DuMars said MRGCD irrigators are affected by these listings in two specific ways. He said the MRGCD is in partnership with the Bureau of Reclamation (BOR) which is a Federal agency and in connection with the ESA a Federal agency cannot exercise its discretion and take any action that would jeopardize the species and if it does, it is subject to an injunction by a Federal Court. He said in the past the BOR said they had discretion to choose to regulate the head gates of all the irrigators in the MRGCD and the BOR said they were obligated to divert water and leave it in the river for the minnow. Dr. DuMars said the second affects the individual and says that anyone who irrigates is that it is a crime and there is a civil penalty for taking the minnow or altering its critical habitat. He then detailed the defenses against prosecution for an unlawful take of the RGSM. Dr. DuMars said as a result of this, the Biological Opinion (BO) is developed and that becomes the controlling document for what actions will be taken on the river and he went on to give additional aspects of the BO.

Dr. DuMars said over the years there has been a challenge by environmental groups to sue the BOR and the USACE and have taken the position that the actions of the MRGCD and the BOR are violating the ESA because the BOR, in 1999, denied water to irrigators and they had discretion to do that. He said that litigation was filed by the Forest Guardians which are now the WildEarth Guardians and that litigation went on for over ten years and the net result was the 10th Circuit Court of Appeals ultimately denied these lawsuits and there were no diversions of irrigation water. Dr. DuMars said in the process of the appeal, the BOR shifted to the position of the MRGCD and concluded that they did not have discretion to take water. Dr. DuMars said that Senator Domenici and Senator Bingaman became involved when it became clear that issues in the Middle Rio Grande were getting out of hand. He said the Congress of the United States in a rider to a bill called the "Minnow Rider" everything was going to be frozen as long as the 2003 BO is in force for ten years and the MRGCD cannot be prosecuted and everything is on hold. Dr. DuMars said Congress funded and directed a Collaborative Working Group to work together to figure out what the minnow needs and what the irrigators need and come up with a way to fully protect the irrigators and develop a new BO that would protect the species.

Dr. DuMars said the Forest Guardians that evolved into the WildEarth Guardians and they did not participate in the collaborative process and they filed yet another lawsuit that argued that the BOR had the obligation to divert and take water for irrigators and the MRGCD intervened to dismiss that claim and the claim was dismissed. He said the WildEarth Guardians continue to litigate the other issues in the case that are not germane here. Dr. DuMars then highlighted two arguments of the MRGCD in support of the irrigators.

Dr. DuMars then showed slides with some of the twenty six different actions that the MRGCD placed into the BO that offset any possible way the effects of the MRGCD on the minnow. He then reviewed these programs. Dr. DuMars said the MRGCD has steadfastly refused to allow the ESA to force it to deny irrigators their water rights. He said to continue to say ahead of the curve, the MRGCD is going to have to continue to participate in programs that increase the possibility that the RGSM can avoid extirpation and these will result in additional costs to the MRGCD.

Director Sichler said fifteen years ago the MRGCD was in a lot of large lawsuits and several state and Federal agencies were fighting over this. He said since then everyone is in cooperation and trying to resolve the ESA issues. He said the MRGCD, in its part of doing that, has come forth and agreed to twenty six conservation measures to try and offset actions taken by diverting water that may harm the minnow. Director Sichler said in Socorro County, because the MRGCD has become so efficient in delivering water, it is actually going to benefit Socorro County should there be a drought situation. He said everyone is working collaboratively to resolve the ESA, but it's going to cost a lot of money.

A constituent (he did not state his name) gave his comments on the RGSM living for many years and why are they spending all the money. Director Sichler responded.

AGENDA ITEM NO. 13 – ITEMS FROM THE FLOOR (Comments are limited to three (3) minutes)

Dan Kloss said he is an irrigator from Lemitar. He said he is very much in favor of the Board's satellite meetings, but if constituents are going to come to the meetings they need to hear what is going on. He said he feels the MRGCD has a real problem with meandering ditches. Mr. Kloss said forty years they had a machine that was a chain drag dredger and the ditches were straight and the same size from one end to the other and properly shaped and thinks the MRGCD needs to use this machine.

Dr. Donald L. Wolberg said he is a scientist and spoke on the ESA and the various species and their naming convention. He said another interesting thing he has found is the population of minnow declines when another species is present and it is obvious that you can breed whatever minnow is there in captive areas.

Joseph Herrera, General Manager, Socorro Electric and he said it is always a pleasure to work with the management and other staff in processing permits and other tasks with the MRGCD.

John Mann said he has five acres and in his absence in the military, the infrastructure that was built and he had access to ditch water and that ditch has been covered up. He asked if there was any assistance from the MRGCD in digging a well to get his water rights. Mr. Hamman responded.

David Wade said there are a few people at the meeting that he would like to acknowledge. He said there are two general managers from Socorro Electric Coop and one is retired and his name is (*unintelligible*) and Mr. Joseph Herrera the current General Manager and the Chair of the Board of Socorro Electric Anne Dorough. He said he would also like to acknowledge the young folks from the Socorro School District that were at the meeting and they worked hard on their presentation and the refreshments. He said the MRGCD and the Socorro Electric Coop share the same attorneys.

Chairman Lente gave his thanks from the Board and the MRGCD to the City of Socorro for their warm welcome.

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

The meeting was adjourned at 5:45 pm.

Approved to be the correct Minutes of the Board of Directors of February 22, 2016.

Attested:

David M. Ferguson
Secretary/Treasurer

Derrick J. Lente, Chairman
MRGCD Board of Directors