

**MINUTES OF THE
THREE THOUSAND TWENTY FOURTH REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
MARCH 12, 2018**

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

DIRECTORS

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

STAFF

Mike Hamman	Chief Engineer/CEO
Dr. DuMars	Chief Water Counsel
Patty Williams	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
Adrienne Martinez	Engineer 1
Yasmeen Najmi	Planner/RRA
Christine Nardi	Human Resource Director
Jason Casuga	Engineer Manager
Lorenzo Benavidez	Socorro Division Manager

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

Jeff Willis, AMAFCA	Frank Chavez, Sandia Pueblo
Gary Stansifer, OSE	John Fleck, UNM
Louis C. Trujillo, Los Padilla's Acequia Association	John Thompson, MRGCD Lobbyist

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Mr. Louis Trujillo of the Los Padilla's Acequia Association led the Pledge of Allegiance.

Chairman Kelly welcomed the guests, and declared a quorum.

AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA

Chairman Kelly called for approval of the Agenda.

Chairman Kelly added Alameda Drain Trail Project – Presented by Yasmeen Najmi after item 7b.
Mr. Hamman added item 9d; Update on the Rio Chama Congreso - San Juan Chama Meeting, March 10, 2018 – Chairman Kelly

Director Dunning made the **MOTION TO APPROVE THE AGENDA AS AMENDED**. Director Moore seconded the motion. The **MOTION CARRIED**.

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

a. Consideration/Approval of Payment Ratification for March 12, 2018

Chairman Kelly questioned what is NMPPA.

Ms. Bustamante responded that it is the New Mexico Public Procurement Association, which is the New Mexico Chapter for Public Procurement. They hold two conferences a year, one in the Spring

and Fall. At the conference they update all State, City, County and Local Public Bodies of any proposed legislation and also advise of any passed legislation pertaining to purchasing. They also discuss and provide extensive training on the proper methods of preparing Bids, Proposals; requesting Best and Final Offers, Negotiating and much more. It is a valuable resource.

Director Moore made the **MOTION TO APPROVE THE PAYMENT RATIFICATION FOR MARCH 12, 2018**. Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

b. Consideration/Approval of February 2018 Invoice for Wiggins, Williams and Wiggins.

Director Baca made the **MOTION TO APPROVE FEBRUARY 2018 INVOICE FOR WIGGINS, WILLIAMS AND WIGGINS**. Director Duggins seconded the motion. The **MOTION CARRIED** unanimously.

c. Consideration/Approval of February 2018 Invoice for Law and Resource Planning Associates.

Director Duggins made the **MOTION TO APPROVE FEBRUARY 2018 INVOICE FOR LAW AND RESOURCE PLANNING ASSOCIATES**. Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

d. Approval of Draft Resolution for Authorization and Approving Submission of a Completed Application for Financial Assistance and project Approval of the New Mexico Finance Authority for Accelerated MRGCD Heavy Equipment and Fleet Replacement – David M. Fergeson, Secretary-Treasurer

Chairman Kelly recapped that these resolutions were discussed at the Board meeting held on February 26, 2018 in Socorro. Mr. Fergeson is presenting two resolutions for Board approval as follows:

1. M-03-12-18-152 MRGCD Heavy Equipment

Director Dunning made the **MOTION TO APPROVE RESOLUTION M-03-12-18-152 FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL OF THE NEW MEXICO FINANCE AUTHORITY FOR ACCELERATED MRGCD HEAVY EQUIPMENT**. Director Baca seconded the motion. The **MOTION CARRIED** unanimously.

2. M-03-12-18-152.1 MRGCD Fleet Equipment

Director Romero made the **MOTION TO APPROVE RESOLUTION M-03-12-18-152.1 FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL OF THE NEW MEXICO FINANCE AUTHORITY FOR ACCELERATED MRGCD FLEET EQUIPMENT**. Director Moore seconded the motion. The **MOTION CARRIED** unanimously.

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

a. Consideration / Approval of Minutes for Regular Board Meeting – February 12, 2018

Chairman Kelly stated there are no changes, corrections or additions and called for a motion.

Director Dunning made the **MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING FEBRUARY 12, 2018**. Director Moore seconded the motion. The **MOTION CARRIED**. Directors Romero and Lente abstained.

AGENDA ITEM NO. 5 – ITEMS FROM THE FLOOR

Louis Trujillo

Mr. Trujillo introduced himself as the Secretary of the Los Padilla's Acequia Association. He advised the Board that the Association was able to obtain funds from the State Legislature and also provided a handout of projects they have completed with that funding. Mr. Trujillo thanked the Board and also expressed his thanks to the MRGCD Albuquerque Staff for the work that they did in cooperating and working and guiding the Los Padilla's Association through the capital outlay projects.

These projects are going to provide better more efficient irrigation system. In most cases these improvements will meet the guidelines for irrigating under one hour per acre. Mr. Trujillo indicated that there is approximately \$4,000 left from the funding, and he has been talking with Mr. Hamman and Mr. Casuga to utilize the balance for a planning grant for Senator Michael Padilla and Representative Andres Romero, to lobby for more capital outlay for these types of projects. He added this is a good investment for our state and for their irrigation system.

Chairman Kelly commented to Mr. Trujillo that there were some people who felt that the MRGCD should not manage the \$75,000 Capital Outlay program, but is pleased that the District was able to serve the role as fiscal agent. These types of projects are just as important as the larger jobs. Chairman Kelly stated as Board should consider continuing to serve as the fiscal agent, it is good for the constituents, projects, whether it is a pueblo or non-pueblo irrigator. He directed Mr. Hamman to also to share a copy of the handout to Mr. Ray Gomez, who did a lot of work on this before he retired.

Mr. Hamman also thanked Mr. Trujillo for his presentation and updating the Board. Mr. Hamman added that he has also reached out to a broader coalition of the South Valley Acequias through their umbrella organization to try to get the planning done that Mr. Trujillo spoke of with the residual funds, but also to grow that into a full scale Capital Improvement Plan for the acequias. This will not only help the acequias but the MRGCD system as whole in the South Valley.

Frank Chavez

The MRGCD is a recipient of two grants from the Bureau of Reclamation, one of them being for a basin study and the other for a drought contingency plan, and wanted an update on the progress. Mr. Chavez also indicated he researched the MRGCD website too and Mr. Chavez was not able to find anything. Mr. Chavez suggested to the Board that an update of the Basin Plan and Drought Contingency Plan be posted on the District's website.

Mr. Hamman provided a brief update, and stated that there have been a couple of rounds of discussion getting the consultants up to speed about the condition and the overall assessment of our organization and our system so the that they can make an adequate analysis as the first step in the Drought Contingency Plan development. There will be another discussion scheduled after they have completed that work to actually start looking at various operational adjustments and alternatives.

Mr. Gensler stated he did not have much to add about the basin study. The drought contingency plan hired a contractor and they now have access to District information on flows, and system layout, and they are in the process of doing their assessment. A report may be submitted around the middle of summer. It is on-going and we communicate every day.

Director Duggins, stated he received a call from a constituent Mr. Zamora and called concerned about the Elk is getting out of control in his area. The Elk are getting into the winter wheat fields. He advised Mr. Zamora he would bring up this issue at the Board being that he just got out of the hospital.

Mr. Hamman stated he has had a recent conversation with Mr. Bob Osborne from the Game and Fish, and Mr. Hamman recommends that the Urban Issues Committee take this matter up because we have some issues in the urbanized area of general hunting that is becoming a concern as well. The District will have to balance the hunting with the impacts to the residential areas around the Bosque and other areas that are being hunted at the moment, not only elk hunting. Any kind of hunting is causing some concerns

in the urban fringes. He felt that the Urban Committee is the appropriate committee to address this matter.

Director Duggins thanked everyone staff for organizing the meeting at the Opera House, because it is not a typical meeting room set-up. He was very pleased with the turn-out.

Chairman Kelly expressed his appreciation to Directors Duggins and Moore for advising their constituents about the meeting and enthusiasm they brought to the meeting.

Director Duggins thanked Chairman Kelly for his generous contribution to the Socorro High School Band and Chorus. He stated in all \$512 was collected at that meeting for the band and chorus program.

AGENDA ITEM NO. 6 – REPORT(S) FROM THE U.S. DEPARTMENT OF THE INTERIOR

a. Reports from U.S. Department of Interior – Jennifer Faler, Area Manager

MS. FALER WAS NOT PRESENT AT THIS MEETING

Following is the BoR Water Report 02-12-18

1. Heron Summary

Content = 138,332 ac-ft (3/8)
 Azotea tunnel: 0cfs
 Total SJC inflow year-to-date: 0 ac-ft
 Currently releasing: 0 cfs
 Current MRGCD storage: 35,976 ac-ft

2. El Vado Summary

- A. Total storage (all contractors and natural) in El Vado as of (3/8):
73,104 ac-ft.
 - B. Native in El Vado
45,527 ac-ft.
 - C. MRGCD's SJ-C storage in El Vado
24,775 ac-ft.
 - D. P & P: 0 ac-ft
 - E. EDWA: 0 ac-ft
 - F. All other SJ-C contractors: 2,802 ac-ft
- Current release is 75 cfs RG Inflow is 60-80 cfs

3. Storage in Abiquiu

Content = 125,336 ac-ft (3/8)
 MRGCD's SJ-C storage= 0 ac-ft

Total water released for minnow to date in 2018: 0 ac-ft

Snowpack Data:

As of 3/9/18 (% of median)
 Rio Chama 45%
 Upper Rio Grande Basin 55%
 Sangre de Cristo basin 31%

Jemez Basin	26%
San Juan River Basin	58%

February Stream-Flow Forecast

Rio Grande @ Del Norte CO	310,000 ac-ft (60%)
El Vado Reservoir Inflow (Mar-Jul)	64,000 ac-ft (28%)
Rio Grande @ Otowi	182,000 ac-ft (25%)
Jemez R. below dam	2,900 ac-ft (9%)
Rio Grande @ San Marcial	0 ac-ft (0%)

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

MS. SANCHEZ WAS NOT PRESENT AT THIS MEETING

AGENDA ITEM 7 - REPORT(S) FROM THE MRGCD CHIEF ENGINEER – Mike Hamman, MRGCD Chief Engineer/CEO

- a. **Water Report – David Gensler, Water Operations Manager**

Mr. Gensler greeted the Board and stated that an eighth of inch of snow doesn't seem like much, but considering the winter we have had, that is something. It was good to get up and see the snow up on the Sandia Mountains.

He reported that that the season is off and running, we are on March 12th and all the mains, more of the laterals and many lesser canals are up and running. Water deliveries are happening in various areas. There are still some areas that we are telling people they can only use water at night or the weekends because they are running canals during the day and can't have the pressure diverted off the system.

In general things are going very well around the valley-trying to finish flushing our canals and making normal water deliveries for people.

The March forecast is out, it is still very poor, but at least it is better than the February forecast, and as things have been this year, it seemed like it was just getting worse and worse. He was glad that it actually has come up a little bit.

The March forecast for the inflow to El Vado this is about 14,000 acre feet higher than it was in February, which is not a big amount of water, but that it is 14,000 acre-feet more that we can potentially put in the bank.

The Cumbres Snowtel is reporting 13.3 inches of snow water equivalent, about 60 percent of normal of this time of year, a little bit less than half of what we've had come April in a normal year. Still a bad year, but at least there is some water up above the El Vado Reservoir.

The river is still working for us. Inflow to the valley is currently right around 600 cubic feet per second. We are diverting at Cochiti, Angostura, and Isleta Dams a total of about 400 cubic feet per second, but a lot of that water is winding up as return flow from our wasteways and drains. The low spot right now is Isleta Dam, we are seeing a little over 200 CFS, which is unbelievably low for March flows, and this shows how dry it is.

In San Acacia there is about 350 CFS below the dam.

As we start to deliver more water, we'll see that more actually gets consumed from our system and will see the flows dwindle throughout the month. He stated it is looking good through the month of March, just running on whatever Mother Nature gives us and probably not have any river drying in March. Once Colorado begins its deliveries, we are going to see a substantial decrease in the

amount of water in the middle valley, and we'll probably start to get into river drying situations in early to mid-April.

April is going to be a very dynamic period. Usually April is kind of an easy time, although we start to divert a lot of water, there is pretty good flow. April is going to be really the time that we store water at El Vado, and it is going to be very dynamic day to day with river flows up one day and down the next in regards to temperature and rainfall events.

As of today there are 108,000 acre feet of total storage up north, all the San Juan water and Rio Grande water put together. He is sticking to kind of a cautious optimism, even in the face of these bad forecasts. It is not going to be an easy year, but we still have water for people this summer. If we stay on track, at least with what the March forecast, is he feels there is a fighting chance to get some more water in storage up there and maybe make the odds a little bit better of getting through the year.

Director Lente had a question in regard to his area of the District stating there are some farmers on the Bernalillo Acequia asking about what the schedule will be for this summer. These people call themselves the stepchildren of the District, simply because that ditch only runs, every other week, and then they have complained for several years about the overgrowth, and I have to call to have weeds mowed.

He commented is the District able to service that ditch much better than years past in regards to the maintenance, but also in regards to the delivery of water in that area of Bernalillo. These farmers utilize every drop of the water that runs through that area. When there is excess that water is not wasted it goes directly into the Sandia Acequia and that ditch is stretched thin because there so many farmers on that ditch as well.

Director Lente asked Mr. Hamman and Mr. Gensler could the ISO's work and develop a better system on that part of the District's infrastructure, because it is desperately needed.

Director Lente then commented that it is great that there is water flowing on several of the laterals and in mains, but in his area they have not seen a drop of water in any of the ditches in and around the Sandia Pueblo or any of the other Pueblos.

Mr. Gensler responded that last week the waste-way at the end of the Albuquerque Main washed out as it was being run. This year a pipe collapsed, and they had to take that system down to just kind of a bare minimum, and weren't able to run a lot of water in it, so it caused the slow down the running of the Sandia Acequia. The situation has been fixed, and Albuquerque Main is up. The Sandia will be run within a day or two.

In terms of Bernalillo and changing schedules, that's something we have actually wanted to do for a long time. There are a lot of small ditches, backyard gardens up there in Bernalillo, and they would like to have water on a little bit different schedule.

Bernalillo is a pumped system and this system frequently has issues with weeds collecting on the intake of pump, and the pump goes down. Mr. Gensler stated that they have tried a variety of things, the District has built various types of screens over the years but the problem still occurs.

Mr. Gensler stated that they worked a compromise in the schedule, but are aware it is not meeting everybody's needs, and will be looking at that again this year, and see if they can come up with a little bit better schedule on the Bernalillo Acequia.

Chairman Kelly stated that at some point this matter needs to end up on the capital program.

Director Lente thanked Mr. Gensler, and had a follow question regarding the upcoming irrigation season and maintenance that needs to happen, and requested that it be done sooner rather than later and also asked if the ditches in Bernalillo are sprayed with herbicide.

Mr. Gensler stated he would have to inquire with the Division Manager.

Director Baca stated that he will be attending the Los Padilla's Acequia Association meeting, and they have also the same concerns, and he requested that Mr. Gensler email him updated information on the water situation and water delivery dates.

Mr. Hamman stated he has looked at automated trash cleaning systems, but they seem quite pricey, and they can also be a maintenance item. He suggested that they continue researching these systems.

Mr. Hamman also advised the Board that he has been talking to ESCAFCA about jointly applying to the Water Trust Board to request funding for pressurizing that entire system for a flood control project for a storm water management for ESCAFCA. We could include in the application some funding for a trash control to help us design a complete system there and possibly a different pumping system.

Further discussion and similar questions regarding maintenance and spraying of the weeds was had.

- b. **Report on the 2018 NM State Legislature 30-day Session – Mr. John Thompson, MRGCD Lobbyist**

3/12/2018

Board of Directors
Middle Rio Grande Conservancy District
1931 Second Street, SW
Albuquerque, NM 87103

The 2018 Legislative Session adjourned Thursday February 15th with final action on legislation taken by the Governor on March 7, 2018. This year more than 700 bills were introduced and 111 made it to the Governor's desk for consideration. As expected the number of introductions was down this year and the percentage of bills passing was slightly higher than normal. Issues considered during this year's short session are constitutionally restricted to fiscal matters, special issues designated by the Governor (Via Executive Message) and bills that passed in the previous session, but were vetoed by the governor. Bills that do not fit into those categories may be introduced, but will not be able to progress, as they are not germane to the allowable topics.

Comparatively to last year the amount of legislation that was introduced impacting the district was limited. Once again, the primary issue was the Local Election Act (HB98). On February 10th, after a slow start in the early part of the session the bill moved quickly through the assigned House Committees, with a floor vote of 51-10. On February 14th the last full day of the session HB98 passed the Senate Rules Committee with an amendment moving the consolidated election in the bill from November to June. The Senate floor voted on and passed the amended version of HB98 that same day 25-15.

Being that HB98 was amended in the Senate the bill had to be sent back to the House for concurrence on the amendment. The House refused to concur with the amendments made in the Senate 56-8. On the last day of the session a conference committee was formed and ultimately it was agreed that the election date would be moved back to November in odd numbered years rather than the June date passed by the Senate.

The governor Signed HB98 into law on March 7, 2018. Conservancy districts implementation is delayed until 2023. I will of course make myself available to discuss this issue in detail.

On another note Representative Ruiloba successfully obtained \$35k of Capital Outlay funds for the district to be used for trail access and improvement (IE Gates), which was approved by the Governor in HB306.

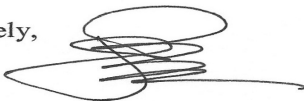
During the session I was able to make contact and have many conversations to set the ground work of a broad coalition of support for future legislation on inverse condemnation. Potential supporters include the various Conservancy Districts around the state, Soil and Water Conservation Districts, amongst others.

The interim committee process will begin in June, prior to that it will be imperative to get this measure and draft legislation to the appropriate committees so that it can be considered for scheduling. In addition to preparation for the interim process I would strongly encourage that a working group of proponents be formed and that we engage early and often.

I will make sure that I am available to brief the board on updates regarding the effort on a regular basis during the interim. It is a pleasure to represent the MRGCD and I thank you for the opportunity.

Following this is a document showing the sections of HB98 that are germane to the MRGCD. Also included is page 99 of HB306 which shows the capital outlay that was authorized too the district.

Sincerely,



John L. Thompson

HB98 (2018) MRGCD Index

Page 22, Section 18: Timing of election

Page 43, Section 43: Costs of elections

Page 235, Section 139: List compiler and qualified elector defined

Page 236, Section 140: Qualified elector list compilation and elector information

Page 237, Section 140: Obtaining and updating qualified elector data

Page 238, Section 140: Distribution of qualified elector list

Page 238, Section 141: Time and Procedure of Election

Page 240, Section 145: Definition of qualified electors and qualified electors list

Page 242, Section 149: Definition of qualified electors and qualified electors list

Page 264, Section 173: Delayed implementation for Conservancy Districts

Mr. Thompson stated that HB98 Election Bill will be implemented in 2023, so the District will still have 2 elections under the past practices.

Mr. Hamman commented that he and Mr. Thompson have had extensive conversations with the Secretary of State (SOS), Ms. Maggie Toulouse Oliver regarding a number of implementation concerns such as, multiple ownerships, multiple counties, etc. There were about five implementation issues that they discussed with the SOS. Ms. Oliver committed verbally and via email that she will convene a task force or a committee of county clerks and county assessors of all four counties and sit down and go through implementation issues. If they can't solve the implementation issues; she said she would represent going forward to support the District be removed.

Director Duggins expressed he was totally against this and thought this should have been brought to a vote by the Board. He also stated if this is implemented it will hurt the farming community to be able to serve on this board. He stated that having the election in June would be better and not in November during the farmers harvest period, it is tough. That puts the agriculture community at a huge disadvantage.

Mr. Thompson stated that they almost had June. The Senate Rules Committee amended this bill to read June, and the Senate passed it at 25 to 15, which is as close of a vote as we have seen on this measure. Most of the objection came to the June date.

The bill passed the Senate 25-15, and the House failed to concur on that measure, 56-8. So when there is a failure to concur on the motion, a conference committee is formed and Director/Representative Lente was on that committee, and ultimately they decided to move that date back to November.

Chairman Kelly and the Directors thanked Mr. Thompson for all his efforts and hard work.

ADDED AGENDA ITEM – ALAMEDA DRAIN PROJECT – Yasmeen Najmi

Ms. Najmi advised the Board that she has met with Bernalillo County and Agency partners on the Alameda Drain and Trail Plan and the contractor that was chosen is H&O Construction. They are waiting on a Purchase Order from the State so that a Notice to Proceed can be issued. They are anticipating beginning the project Monday, March 19, 2018.

She is waiting to hear back from the County on a date to meet with the County and the contractor to discuss access issues and staging. We need to make sure that we have access for our crews for emergencies and for the ISO to operate his area.

The County Project Engineer, indicated as soon as she knows the start date, she will be sending notifications to the people on the list that the project is starting, especially the landowners who live along the drain.

Director Dunning asked if they will be starting at Montano.

Ms. Najmi responded that the first phase of this project is going to be between Montano and Osuna, but will have to get back on the exact location where they will be starting, she would have to look at the access and general construction plans.

Chairman Kelly stated he is not familiar with this company, but for this type of work can be done with small contractor, and license and insurance bonds will be to the County for performance, and we would depend on the County for completion of the project.

Director Moore asked clarification if the District will be providing access and funding for this project. Chairman Kelly responded that the District is providing the right-of-way for the County. The District did participate on the master plan of 25% basis with the City, the County and the Flood Control Authority, and we put in \$50,000 into the master plan.

c. Set Board Committee Meetings, Legislative, Irrigation and Urban Issues – Mike Hamman, CE/CEP

The Committee meetings set as follows:

1. Legislative Committee Meeting – March 15, 2017 & 7:30 a.m. MRGCD Office
2. Irrigation Committee Meeting – March 26, 2018 @ 1:30 p.m. Valencia County Commission Chambers
3. Urban Issues Committee Meeting – March 23, 2018 Director Duggins Farm, time TBD

d. Report on the MRG Pueblos Coalition Meeting – March 1, 2018 – Mike Hamman CE/CEO

The Coalition is doing their agenda a little differently. They are being a little germane to mix Reclamation, MRGCD and BIA and the list discussion topics, and tag teaming instead of having formal report by each of the agencies.

The topics to be discussed were irrigation start-up, water supply, and the El Vado Dam Corrective Action Study and construction issues. It was an abbreviated presentation to the community and coalition membership. There were quite a few leaders, Pueblo leaders, Governors, and Lieutenant Governors at this meeting.

We offered to host or help host a tour with the Coalition and with the Board and any staff to tour the San-Juan Chama and El Vado areas so the people can see firsthand what is going on, and there was a lot of interest. Logistically it may be a little difficult to pull it off, but we can put a bus together and go up there. Mr. Hamman will try to get something scheduled while the water is still running in the tunnel, somewhere around late April to mid-May timeframe.

They talked about lobbying in DC for the New Mexico Indian Irrigation Infrastructure Improvement Act that's due to expire in 2019 under the current legislation. They would like to see another ten-year extension, as well as additional funding for that.

The trip to Washington on April 8-12, 2018, that is one of our items that we will be lobbying our Congressional Delegation. Mr. Hamman stated he didn't think there will be any trouble with our two senators because they put that legislation in the Drought Bill.

e. Report on Family Farm Alliance Conference – February 22-23, 2018, Mike Hamman, CE/CEO and Director Moore

Mr. Hamman stated that the Family Farm Alliance Conference was heavily focused on the new administration from the newly installed Deputy Secretary of Interior all the way down to the different regional directors of Bureau of Reclamation. As well as several presentations by key committee staff and others with a lot of focus on infrastructure for the water.

They touched on Western Water interests, as well as some concerns about some regulatory issues that they would like to see changed. They discussed the streamlining of important projects through Reclamation that have been lingering on the shelf for a number of years. They are rededicating themselves to eliminating the backlog on infrastructure issues and moving forward with a lot of other projects that they believe should get adequate attention from the new administration and general infrastructure funding.

Mr. Hamman had a presentation on the consultation with the Fish and Wildlife Service getting both the original BO in place and all the other iterations and discussions we went through to get the new BO in place.

That was part of the presentation on how collaboration can work to successfully implement ESA obligations by irrigation districts.

Director Moore stated she really enjoyed the conference, it was very uplifting because primarily everybody that was there was looking for solutions and compromise, not confrontation, and they all commented that it is not productive when there is confrontation and filing of law suits. She stated it was very forward-thinking because they were focused in finding solution and compromise.

She stated she met Commissioner Brenda Burman of the U.S. Bureau of Reclamation, and was very impressed with her knowledge, and had a lot of innovative ideas and plans to make things happen faster.

They talked continually about the need for more infrastructure, particularly the dams all over the United States. They discussed the importance of the dams capacity and that the infrastructure has to be kept up.

They also discussed the title transfer program.

David Bernhardt, Deputy Secretary of the Interior was there, and gave a very informative talk about some of the things they are doing with the Department of Interior.

Mr. Hamman gave his presentation on creative ways to address ESA, that was very interesting and people were very engaged. Instead of just keeping water in the Rio Grande year round, the BO determined that there are times when the flow is necessary for the fish, and it was scientific hard data that was very effective.

Chairman Kelly asked with the focus on infrastructure, has the status at El Vado changed for the good or the bad, or are we still on schedule for construction in five years.

Mr. Hamman responded that El Vado is on the top tier of priorities for the dam safety program.

f. Rio Grande Compact Commission Meeting in Austin, Texas March 29, 2018 – Mike Hamman CE/CEO

Mr. Hamman advised the Board that the Annual Rio Grande Compact Commission Meeting this year will be held in Austin, Texas, as they rotate from Colorado to New Mexico to Texas on an annual basis.

Any Board members wishing to attend this meeting are welcome to. Director Baca stated he would be interested in attending.

The Chairman stated that if any other Board member is interested in attending to contact Ms. Bustamante, and she will make your arrangements.

Dr. DuMars indicated he would be attending, and would be making his own arrangements.

g. Washington DC Trip April 9-13, 2018 – Mike Hamman CE/CEO

Mr. Hamman stated that he and four Board members will be traveling to Washington to attend the NWRA Conference and will meet with the NM Delegation and other Federal agencies. Presently Mr. Hamman has scheduled meetings with Reclamation, three of the NM Delegation, and two important staffer committee meetings. We are waiting on meeting schedule with BIA and Corp of Engineers. He will inform the Board on the updated meeting schedule when finalized.

h. Review of Logistics for Valencia and Sandoval County Board Meetings – Mike Hamman, CE/CEO and Jeanette Bustamante, Administrative Officer

The Board of Directors meeting March 26, 2018, will be in Valencia County, and the Valencia County Commissioners Chambers has been reserved. The meeting will begin at 3:00 p.m.

Mr. Hamman assured Director Romero that meeting notices will be published which will include the legal ad and a display notice in the Valencia New Bulletin, and radio announcements.

Director Romero indicated that there is not a local radio station in Valencia County.

The meeting in Sandoval County was discussed and Mr. Hamman advised the Board that they have two options; the meeting can be held at the Sandoval County Commissioner Chambers located at 1500 Idalia Rd, Bernalillo, NM on April 23, 2018 or at the Town of Bernalillo in the Town Hall Council Chambers at 829 Camino del Pueblo, Bernalillo, NM on Tuesday April 24, 2018. The Council meets on the 2nd and 4th Mondays of the month so April 23, 2018, is not available.

Director Lente stated that Commission Chambers are ideal because they have infrastructure to record our meeting, but he was concerned that it is located outside of the District and didn't think we get the kind of exposure or the attendance that we would like. He recommended the Town Hall Council Chamber that is located in the center of Town of Bernalillo. There will not be any restriction on time and will be more convenient for the public to attend.

Chairman Kelly stated his preference would be the 24th at the Town Hall Council Chambers, and the Directors concurred.

The Board of Directors Meeting in Sandoval County will be on April 24, 2018 at 3:00 p.m. at the Town Hall Council Chambers in Bernalillo, NM.

Director Lente commented that the Coalition should be invited.

i. Approved Licenses for January 2018 (For Informational Purposes Only)



MEMORANDUM

ENGINEERING DEPARTMENT

TO: Mike Hamman, Chief Executive Officer
FROM: Adrienne Martinez, Engineer
DATE: March 8, 2018

RE: MRGCD Licenses

The following license requests were approved by staff for the month of January 2018.

1. License 2-148-2018—License with CenturyLink QC to maintain an existing aerial cable within the Rice Lateral right-of-way
2. License 3-149-2018— License with CenturyLink QC to install and maintain a buried copper cable parallel to the Chical Lateral right-of-way.
3. License 2-018-2018— Amended license to maintain an existing 48"Ø X 16' RCP pipe for a private road crossing within the Alameda Lateral right-of-way, changing the name of licensee from Emily Montoya to Jeffrey Payne and Randolph Montoya, and stationing from 126+69 to 127+50.
4. License 2-022-2018 – Amended license to maintain an existing 48"Ø CMP pipe crossing within the Chamisal Lateral right-of-way, changing the name of the licensee from Juan Martinez to Marisa Sleeter and Aaron Giombolini, and the stationing from 101+00± to 102+00±.
5. SP-009-2018 – License with the Albuquerque Bernalillo County Water Utility Authority to pump potable water from a fire hydrant into the Los Padillas Interior Drain and Indian Wasteway for water quality compliance.
6. SP-012-2018 – License with AJAC Enterprise to access the Rio Grande Bosque to conduct river monitoring for the silvery minnow project as a contractor to the Bureau of Reclamation.

AGENDA ITEM 8 – REPORT(S) FROM THE MRGCD ATTORNER(S) – Chief Water Counsel and General Counsel

- a. Report on SCOTUS Ruling Regarding TX v. NM – Chief Water Counsel, Dr. Charles DuMars

Dr. DuMars provided the Board a copy of the opinion Texas v. New Mexico

The Special Master filed various motions, and New Mexico filed a number of motions to dismiss and said it wasn't ripe and the case should be done in the lower Rio Grande in the adjudication, and there were multiple motions. New Mexico made a motion that the case should be dismissed because the United States was an indispensable party. That motion was not ruled on, but then the United States sought to intervene in the case as a party, and New Mexico opposed their intervention, saying they really didn't need to be involved. They were concerned that the United States had made some arguments about how one of their interests included among other things, the fact that they might be the holder of the water rights in the Rio Grande Project and the Lower Rio Grande.

So, there is a lot of concern about that and that they should not be involved. They argued the question of whether the U.S. should be involved in the case, and the Special Master actually ruled that they didn't see any reason why they should be involved since they don't have a water right under the Compact. They have no delivery, entitlement or any goal in that regard. They do have the Rio Grande Project, but that is a local project.

The U.S. said they should be involved because of the Rio Grande Project, which is a federal project in their role in Elephant Butte. They further stated the United States delivers 60,000 acre feet per year to Mexico under the Mexican Water Treaty of 1902, and that was the connection they argued.

The whole thing went up to the Supreme Court with New Mexicans raising issues of the Motion to Dismiss, and all the exceptions, and they also said they didn't agree. Stating they don't believe that the United States should be a party. It was argued in Supreme Court, in addition to the legal exceptions was whether the U.S. should be a party.

The opinion written by Judge Gorsuch, was that, in fact, the United States should be a party to the case.

In the opinion, Judge Gorsuch made the comment, as to why the U.S. should be involved. His opinion stated, *"it is clear enough that the federal government has an interest in seeing that water is deposited in the Reservoir consistent with the Compact's terms."*

That's troubling because they are talking about our water. The case is about the lower Rio Grande and the fight between Texas and New Mexico over the wells which are taking water, 50,000 acre feet a year before it gets to Texas.

Dr. DuMars presumed that the focus would be everything below Elephant Butte, and because you can't enforce compact. You can't enforce priority dates above a Compact delivery deal. If the Compact delivery is made, no individual irrigator, nobody else, has the ability to go above the Compact and try to enforce it.

The reason this sentence is very important is that the same point was made in the Interim Natural Resources Committee by the Governor-candidate Cervantes, who said, the Supreme Court is going to want to go above the Rio Grande and make sure that all the water that is required is delivered.

Right now in the record there is nothing about what is happening above Elephant Butte. The Middle Rio Grande is supposed to deliver to Elephant Butte, under that line are a series of annual delivery amounts. Every single one of them is below the line. So we have met our requirement every year because we monitor our ground water development.

The District needs to pay very close attention to how this case proceeds before the Special Master, because you can bet the United States will take each one of these and first say how does it affect the Mexican Water Treaty; and secondly how is it going to affect the Rio Grande Project; and third, it is our duty to get water from the Middle Rio Grande into Elephant Butte.

Dr. DuMars advised the Board he will be monitoring this a little closer, and see what happens.

Director Lente commented that sitting as a committee member in the Water and Natural Resources Subcommittee of the Legislature he has had discussions with some of the southern legislatures, specifically Representative Gomez and Chairman Senator Cervantes about this situation. They always make the comment that we need to start sharing the water with them down south, and Representative Lente responds they need to stop pumping so much. They make these comments in a way that are uncomfortable, but nonetheless, we have to stand our ground.

Director Lente stated we need to monitor this matter and have to make sure that they understand that the problem is down south. We should be able to allocate resources because the last thing we want is for people to have a feeling that they can just come upstream and start collecting some water when the fact of the matter is that we have been over-delivering for several years.

Dr. DuMars stated because of the way in which the curve is structured for delivery amount, we do a great job, and have been monitoring it since 1950. We have been protecting the Compact, so we are in great shape.

Chairman Kelly asked Dr. DuMars if the Schmidt Peterson PowerPoint is the one he is talking about, and can we post it on the website.

Dr. DuMars responded yes, and we can get it posted.

Mr. Hamman stated, that is a good point, and that there is a public comment at the Rio Grande Compact Commission meeting to be held on March 29, 2018, and myself or Dr. DuMars can make a statement that can get into the Compact record regarding the fact that New Mexico made its deliveries year in and year out with the surpluses and some minor under-deliveries, but they all balance out, in accordance with that table.

Chairman Kelly suggested to Mr. Hamman to take the graph with him and put it in the record.

Chairman Kelly commented that you look at climate change forecasts and the fact that it's projected that in 50 years we will have about one-third less water coming down the river here. When is the Compact going to reflect some of the realities of our limited water supplies and our diminishing water supplies?

Dr. DuMars responded that the Compact is designed to address exactly what you are talking about because what it says, the lower the rates of flow is what we get. It's an 85/25 split, so that it continues to adjust for us. For those who gamble on high flows, like the state south of us, they are going to face some real issues.

Chairman Kelly noted that we will be in Article 7 forever with no ability to store native water.

Mr. Hamman responded we could out of Article 7 for 3 or 4 months out of the year, and possibly be able to store water.

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

- a. Report on Family Farm Alliance Conference – Director Moore

Director Romero made the **MOTION TO APPROVE THE REPORT ON THE FAMILY FARM ALLIANCE CONFERENCE FEBRUARY 22-23, 2018.** Director Baca seconded the motion. The **MOTION CARRIED.**

- b. Report on MRCOG Board Meeting, February 8, 2018 – Director Dunning

Director Dunning attended both the Executive Committee meeting and the Regular MRCOG meeting. They had a presentation by Donald Phillips, Geologist regarding the Sandoval County Ordinance in fracking. He is a geologist who is not opposed to fracking. He thinks doing it up in Farmington is just fine. In the Rio Grande Valley, because the Rio Grande Rift it is all based on the geology of the area, there's really areas where the groundwater can get contaminated. It was a really good presentation, and they strongly felt that they should come up with a regional approach to fracking in the whole area because we are all part of that geologic formation and that it really can impact our water.

Director Lente thanked Director Dunning for attending that meeting and stated that presentation is very convincing. It says a lot in a short period of time, and suggested having the gentleman come and make this presentation to the Board.

Sandoval County has been dealing with this for the past year-and-a-half, and noted the county has created the citizens group, which Mr. Lente is a part of, to help look at and address these

types of issues. Should something happen upstream, everything flows downstream, and what could happen to all the agricultural lands that are in this valley is concerning.

Director Romero made the **MOTION TO APPROVE THE REPORT ON MRCOG BOARD MEETING, FEBRUARY 8, 2018.** Director Moore seconded the motion. The **MOTION CARRIED.**

- c. Report on South Valley Coalition of Neighborhood Association Meeting, March 8, 2018 – Director Dunning

Director Dunning was not invited to talk about a specific issue. They wanted an update on MRGCD. She talked about election reform and about the water protest. She indicated that they will be inviting Jason Casuga to discuss gates.

The Coalition advised Director Dunning that they have issues with dumping in the Rio Grande State Park, and that the City is the one that is responsible for cleaning that up, but they don't do a very good job cleaning it up. She responded she could look into it.

Mr. Hamman commented that he will be meeting with Mr. Simon and said that would be a good topic to discuss.

Director Baca made the **MOTION TO APPROVE THE REPORT ON SOUTH VALLEY COALITION OF NEIGHBORHOOD ASSOCIATION MEETING, MARCH 8, 2018.** Director Duggins seconded the motion. The **MOTION CARRIED.**

- d. Report on Rio Chama Congreso Meeting, March 10, 2018 – Chairman Kelly

Chairman Kelly attended the Rio Chama Congreso meeting at the Ghost Ranch Museum. This is a group from the Chama Peak Land Alliance, the State Engineer, the ISC, the Acequia Association, and State Forestry.

The morning discussion was on fire abatement techniques, the work we are funding in the upper watershed above the San Juan-Chama. They are very concerned about the upcoming fire season.

The afternoon session included presentation on the impact of climate change by Dagmar Lewellen of the Bureau of Reclamation. Paige Pegram gave a report on the water forecast that was very similar to what the Corp puts out that Thursday at a meeting at Abiquiu.

One of the big disputes up there is the lower Chama Acequia Association with the priority rights vs. the Acequia Nortenos up in Chama, allocation and storage space in El Vado would go a long way to solve those issues. There is already an agreement out to do that.

It is a real easy way for the MRGCD to take one of its assets and be part of the solution on a long-simmering problem up there. One of these ditches down there in the lower reach has a 1590 priority date on it, and there are 18 different associations down there. They gave a little history of the District and what has happened.

Chairman Kelly urged them to pay their dues, and they were a little stunned when Chairman Kelly told them that the District is up to almost \$50 dollars per acre water service charge plus 5 percent on your assessment, and that surely opened their eyes.

He also discussed the upcoming work at El Vado Dam.

Chairman Kelly stated he is not seeking per-diem.

AGENDA ITEM NO. 10 – EXECUTIVE SESSION

- a. NMSA 1978 Open Meetings Act Section 10-15-1-(H)2)
 - 1. Limited Personnel Matters
 - a. Annual Performance Evaluation of Chief Executive Officer
- b. NMSA 1978 Open Meetings Act Section 10-15-1-(H)7)
 - 1. Threatened or Pending Litigation

Chairman Kelly requested a motion to move into Executive Session at 5:10 pm.

Director Romero made the **MOTION TO MOVE INTO EXECUTIVE SESSION PURSUANT TO NMSA 1978 OPEN MEETINGS ACT (SECTION 10-15-1(H)2) AND SECTION 10-15-1(H)7)**. Director Dunning seconded the motion. The **MOTION CARRIED**.

Chairman Kelly requested a roll call vote:

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

The **MOTION CARRIED**.

Chairman Kelly requested a motion to move back into the Regular Session at 6:35 p.m.

Director Duggins **MADE THE MOTION TO MOVE BACK INTO REGULAR SESSION**. Director Dunning seconded the motion.

Chairman Kelly requested a roll call vote:

Director Dunning	Yes	Chairman Kelly	Yes
Director Baca	Yes	Director Moore	Yes
Director Duggins	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 6:37p.m.

Approved to be the correct Minutes of the Board of Directors of March 12, 2018.

ATTESTED:

David M. Fergeson
Secretary/Treasurer

John P. Kelly,
Chairman, MRGCD Board of Directors