

**MINUTES OF THE
THREE THOUSAND TENTH REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
JULY 10 2017**

Directors having been duly notified, Chairman Kelly called the regular meeting to order at 3:02 pm at the MRGCD General Office. The following Directors and Staff were present:

DIRECTORS:

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

STAFF:

Michael A. Hamman	Chief Engineer/CEO
Dr. DuMars	Chief Water Counsel
Lorna Wiggins	General Legal Counsel
Bruce Wiggins	General Legal Counsel
David M. Fergeson	Secretary/Treasurer
Jeanette Bustamante	Administrative Officer
David Gensler	Water Operations Manager
Ray Gomez	Engineer Supervisor
Alicia Lopez	Engineer Technician
Jason Casuga	Engineer I
Mike Lopez	Construction Technician
Daniel Arquero	Cochiti Division Manager
Lorenzo Benavidez	Socorro Division Manager

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

Jeff Willis, AMAFCA	Wade Orr, Polvadera
Martin T. Padilla, Bernalillo	Wilda Dilts, Los Chavez
Ed Clark	Michael Roberts, Albuquerque
Juan Rodrigues	Viola Sanchez, BIA
Nathan Roberts, BHI	Jennifer Faler, BOR
James Lee Martin, Lemitar	

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Chairman Kelly requested that Director Lente lead the Pledge of Allegiance.

Chairman Kelly presented Director Lente his mounted Chair Gavel with an engraved placard of the term of service as Chairman of the Board. Director Lente thanked Chairman Kelly and the Board.

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.

Director Moore made the **MOTION TO APPROVE THE July 10, 2017 AGENDA AS MODIFIED**. Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

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

- a. Consideration / Approval of Payment Ratification – July 10, 2017

Director Moore asked for clarification for the two payments for cost share for the Sandia to Isleta Project. Mr. Hamman responded that the District has several agreements with the Corp of Engineers on levee projects, one in particular is the Rio Grande Environmental Management Program. The District is considered the main player in the Middle Valley with our mission of levee maintenance and operations, and over the years the District has become the favorite local sponsor. Director Moore inquired about the payment to BEMP - Bosque Environmental Monitoring Program. Mr. Hamman stated BEMP is a program that provides student interaction with science through the Bosque School; they collect valuable data like ground water elevations, etc. for the science program in the Middle Valley and the Bosque.

Chairman Kelly called for approval of the July 10, 2017 Payment Ratification.

Director Dunning made the **MOTION TO APPROVE THE PAYMENT RATIFICATION OF JULY 10, 2017 AS PRESENTED**. Director Duggins seconded the motion. The **MOTION CARRIED** unanimously.

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

Chairman Kelly called for approval of the May 2017 invoice for Wiggins, Williams & Wiggins. There were no questions from the Board on the invoice.

Director Dunning requested a presentation on ownership with the attorney report.

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

- c. Schedule Finance Committee Meeting – David M. Fergeson, Secretary-Treasurer

Mr. Fergeson requested to meet with Finance Committee Members @ 2:00 p.m. July 24, 2017. The Committee Members agreed and Mr. Fergeson will send an email out as a reminder notice to the Committee Members of the Finance Committee Meeting.

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

- a. Consideration / Approval of Minutes for Regular Board Meeting – June 12, 2017

Chairman Kelly called for approval of the minutes for the Regular Board Meeting June 12, 2017. Director Dunning had one correction.

Director Dunning made the **MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING JUNE 12, 2017**. Director Moore seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 5 – ITEMS FROM THE FLOOR

Juan Rodrigues questioned why the Bernalillo ditch only gets water every two weeks because if you have a garden in two weeks it's dead, and stated that other areas receive water every day. Mr. Hamman stated it is an on and off ditch and there is a cycle and it depends on the scheduling by the various irrigators. Mr. Gensler was asked to provide his input and he stated that he has been dealing with this matter a number of years on the Bernalillo Acequia, and that he specifically instructs the ISO to be accommodating for the small vegetable farmers, etc. He advises the ISO to set aside Wednesday evening or some day to these small properties. Mr. Gensler stated the unknown is if Mr. Rodrigues has been scheduling or not with the ISO. Mr. Rodrigues responded no, every two week because originally had pasture and two weeks was fine. Mr. Gensler has advised the ISO if received a schedule from a vegetable farmer to schedule a Friday or Wednesday evening to run the ditch for a short period for those small backyard gardens. Mr. Gensler emphasized that there has to be communication between the farmer/gardener and the ISO. Mr. Gensler requested Mr. Rodrigues' contact information.

Chairman Kelly advised Mr. Rodrigues that the MRGCD Irrigation Committee has worked really hard on our policies, and even though you may see water in all the ditches running through Albuquerque, people aren't watering every evening.

Martin Padilla of Bernalillo also uses the Bernalillo Ditch, and agreed with Chairman Kelly that no one uses the water every day, but the water does run through Bernalillo all the time except the Bernalillo Ditch, and we are limited to every eleven (11) days.

Chairman Kelly thanked Mr. Rodrigues and Mr. Padilla for their comments.

AGENDA ITEM NO. 6 – CONSIDERATION /APPROVAL OF ONE (1) BOARD MEETING PER MONTH – Director Romero

- a. Review and Approval of Resolution BD-07-10-17-38.12 Open Meetings Act Resolution.
- b. Reserving the Second (2nd) Monday of each Month for Committee Meetings or Special Board Meetings
- c. Discussion regarding Creation of MRGCD Dispute Resolution Committee – Chairman Kelly

There was a tremendous amount of discussion on changing the Board Meeting to one (1) meeting a month; and the Board's position of one meeting a month varied between the Directors. After lengthy discussion and debate for the Consideration/Approval of one (1) Board Meeting a month;

Director Lente made the **MOTION TO TABLE THE CONSIDERATION/APPROVAL OF RESOLUTION BD-07-10-17-38.12 OPEN MEETING ACT RESOLUTION FOR ONE (1) MEETING A MONTH.** Director Duggins Second the Motion.

Director Baca recommended that a time frame be established to bring this matter back to the Board for discussion. Chairman Kelly proposed three to six months, and asked Director Lente if he was open to amending the motion. Director Lente agreed to the amendment.

The **MOTION CARRIED** unanimously.

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

- a. Reports from the US Department of Interior – Jennifer Faler

Following is the BoR Water Report 07-10-17

1. Heron Summary

Content = 196,163 ac-ft (7/6)
 Azotea tunnel: 150-200 cfs
 Total SJC inflow year-to-date: 144,493 a.f.
 Currently releasing 200 cfs
 Current MRGCD storage: 20,900 ac-ft

2. El Vado Summary

- A. Total storage (all contractors and natural) in El Vado as of 7/6:
139,190 ac-ft.
- B. Native in El Vado
122,496 ac-ft.

C. MRGCD's SJ-C storage in El Vado
0 ac-ft.

D. P & P: 14,161 ac-ft

E. EDWA: 0 ac-ft

F. All other SJ-C contractors: 2,533 ac-ft

Current release is 600 cfs RG Inflow is 100 cfs

3. Storage in Abiquiu

Content = 146,092 ac-ft (7/6)
MRGCD's SJ-C storage= 30,567 ac-ft

Total water released for minnow to date in 2017: 2,579 ac-ft

Snowpack Data:

All SNOTEL sites melted out

Ms. Faler commented that one (1) meeting a month would work better for her schedule. Ms. Faler stated they are winding down diversions from Blanco and Oso. BOR is down below about 150 cfs that's being diverted and that will tail off quickly. BOR got a full allocation this year and have additional water at project storage. That will be a head start on next year's allocation, and things are looking good on the San Juan Chama Project.

Ms. Faler stated with the new biological opinion, it doesn't have any specific flow targets, and the Fish and Wildlife Service hasn't commented on how to operate the system, although a lot has been learned over the last ten years on how to be more efficient with releases, and manage for endangered species and to protect the environment. The Bureau is managing the recession as the river is drying in a very managed way, and it can take a bit of water to do that, and the fish water releases have been helping manage that recession. The District has coordinated to help get the fish waters to Isleta Diversion dam and San Acacia. Also the bureau will be turning on the pumps in the low flow conveyance channel. That will help manage the recession as well, so not to dry the river all at one time.

b. Reports from BIA Designated Engineer, Viola Sanchez

Ms. Sanchez updated the board that there were some shortages, where the Santa Ana Acequia and two (2) pipe systems for San Felipe head off the system, but they succeeded in getting five of the six San Felipe farmers to cooperate with calling a couple of days in advance to schedule to irrigate.

At the Coalition Meeting Ms. Sanchez made the case that people need to communicate better with the District. Then certain individuals commented of having a shortage on the Sandia Acequia which is in partly fed by the Bernalillo Acequia, so they also are also feeling the shortage at Sandia Pueblo. Sandia Pueblo has a new tribal ditch rider, and he is getting his feet wet. Ms. Sanchez hopes to get better communication, though a lot of times the tribal farmers suffer in silence.

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

a. Water Report – David Gensler, MRGCD Water Operations Manager

Mr. Gensler reported that things are still trending down on the river as expected. Lots of people want water and it is hot and not a lot of rain and flows keep dropping. A few months ago some were saying we might have 1,000 cfs at Embudo all summer long, but as of today we've got less than 500 cfs.

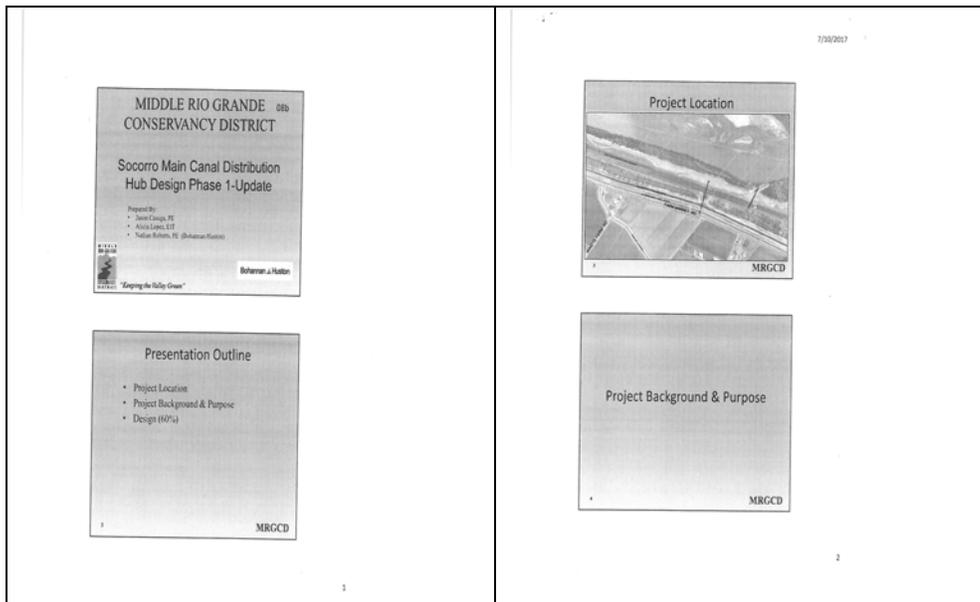
We are releasing storage from El Vado at a fairly high rate, approx. 850 ac. ft. per day right now. Reclamation has been releasing minnow water.

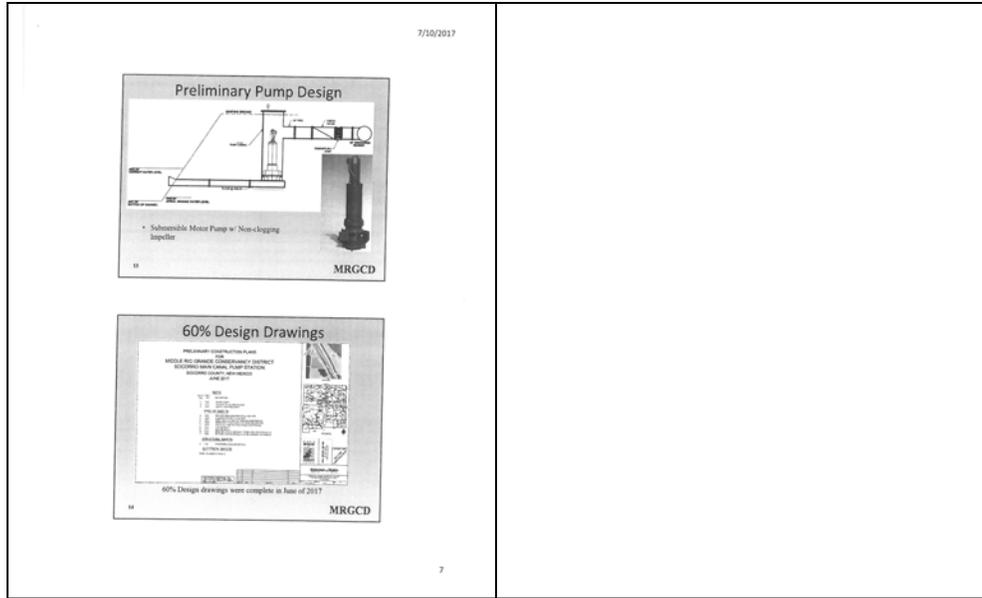
We are managing the recession flows below San Acacia Dam right now and on Sunday had our first drying of the river. It happened down in the Bosque Del Apache. We are probably up to four or five miles dry, and will continue for 10-12 days till it gets stable in the San Acacia reach.

For the District operations we are diverting 130 cfs at Angostura and plus or minus 50 cfs at Isleta. It fluctuates up and down by 50 cfs per day because as the flows get low, and we maintain a constant flow for the minnow below Isleta Dam, and take a hit from the Water Utility Authority operations as they increase and decrease their return flows. We are diverting approx. 80 cfs at San Acacia depending on the return flows from lower San Juan Drain system, which accounts for 50 percent of the flow arriving at San Acacia and not much longer we will account for 100% on the flow arriving at San Acacia.

- b. Socorro Main Canal South Distribution Hub Design Support – Phase 1 & 2 Updates – Jason Casuga, MRGCD Engineer 1

Mr. Casuga provided a detailed power point presentation as follows:





Mr. Casuga advised the board that this update on Phase 1, the preliminary design of the pump house for this project and 60% design of the drawings of the transmission lines. Mr. Nathan Roberts of Bohannon Huston, is the engineer on this project.

This project is located just off Farm To Market Road just north of Socorro right up against the low flow conveyance channel on the river. Reclamation's Neil Cup Check structure is to the east where the project will be. The Mosley Lateral is north which is an important component, with this project we would try to get water back into the Mosley Lateral during some of the worst drought times and support farmers during drought conditions. This is a Federal Grant project, a WaterSmart Drought Resiliency Project Grant, authorized through Section 9504A of the Water Source Act. The total grant value is \$600,000, which is a \$300,000 cost share between the Federal Government and MRGCD. Anything above the \$600,000 the MRGCD carries itself. Also any expenditure over \$300,000 the District will report to the Fish and Wildlife Service for progress towards the biological opinion commitments.

Therefore this project in terms of farmers will open up another 1,280 acres during drought conditions to farm and be able to draw water and make use of the water that we mechanically pump just above the Mosely Lateral. It will also give the MRGCD the ability to put water back in the river for purposes of biological commitments.

Mr. Casuga continued and provided the project construction detail, etc.

Director Dunning asked anything over the \$600,000 the District will get credit for it for the biological opinion, and asked what is the District budget for the biological opinion. Mr. Hamman responded is roughly about \$750,000. It's in the annual costs associated with our commitments under the biological opinion, i.e. our commitment to have features that can add another habitat point in an area that dries frequently.

Chairman Kelly asked by cutting off the Bureau's obligation to run four diesel motors, are they going to chip in for the electric bill that we are going to have with this new station. Mr. Hamman stated that has not been discussed, but in the grand scheme of all of us putting mutual contribution into this we will make sure Reclamation does their share in terms of helping us with the habitat development, etc. Additional questions were asked by the Directors and Mr. Casuga and Mr Hamman answered directly.

- c. Discussion/Approval of Bohannon Huston Inc. Agreement – Socorro Main Canal South Distribution Hub Design Support, Phase 2 – Jason Casuga, MRGCD Engineer 1

Mr. Bruce Wiggins had some questions about the agreement and certain language that was confusing, and there was additional discussion on the language.

Director Dunning made the **MOTION TO APPROVE THE BOHANNAN HUSTON INC. AGREEMENT AS AMENDED WITH THE TWO CHANGES.** Director Duggins seconded the motion. The **MOTION CARRIED** unanimously.

- d. Update on the July 13 & 14, 2017 El Vado Tour – Mike Hamman, MRGCD CEO

The arrangements for the tour are complete, rooms have been reserved, and two vehicles have been rented. Departure will be Thursday morning at 7:30 AM. The itinerary is set up to tour Abiquiu, El Vado and Heron on the first day, and stop at Cooper's for a lunchtime seminar on water operations, with Mr. Gensler. Time permitting we will drive the backside of the lake for a view of the entire El Vado Lake. After dinner there will be an evening event around the campfire. Friday will tour the BOR office and meet with the facility engineer group who operate and maintain the system, and then proceed on to the San Juan Chama Project up at Oso, and then culminate our tour down to Azotea Tunnel outlet. We will return to Albuquerque by 5:00 p.m.

- e. NWRA Western Water Seminar, August 8-10, 2017 – Mike Hamman, MRGCD CEO

Mr. Hamman advised the Board that the deadline to Register and make hotel reservations for the NWRA Conference in Santa Fe is July 17, 2017. Chairman Kelly advised the Board to contact Jeanette and notify her if you will or will not be attending, etc.

- f. Report on the MRG Pueblo Coalition Meeting, July 6, 2017 – Mike Hamman, MRGCD CEO

Mr. Hamman provided a brief over view of the MRG Pueblo Coalition Meeting for the newly elected Directors. There are Prior and Paramount Lands just under 9,000 acres, and approximately 12,000 acres that are newly reclaimed lands that are potentially irrigable land within the pueblos.

Mr. Hamman stated the Coalition was formed to be a communication group on irrigation issues associated with MRGCD as well as the relationship with the BIA through the Designated Engineer to make sure all six (6) Southern Pueblos get service they need to operate and maintain their specific system to their irrigation needs. The Pueblo Coalition meets monthly and this group is made up of Governors, Lieutenant Governors, and irrigation staff of the six pueblos to speak specifically on irrigation and water associated matters. The MRGCD has a representative and will attend their monthly meetings. Other discussions are the annual work plan for maintenance and structures that pueblo would like to see happen. There are also meetings to discuss the contract between BIA and MRGCD. As Ms. Sanchez discussed on her presentation under her agenda item this last meeting we discussed water operations and water shortages. It really isn't water shortages; it's just a matter of scheduling and getting the water where we need it, the same issues we have on non-Indian, non-pueblo lands as well.

- g. Approved Licenses for June 2017 (For Informational Purposes Only)



FYI
MEMORANDUM
ENGINEERING DEPARTMENT

TO: Mike Hamman, Chief Executive Officer
 Ray Gomez, Engineer Supervisor

FROM: Alicia Lopez, Engineer Tech

DATE: July 6, 2017

RE: MRGCD Licenses

The following license requests were approved by staff for the month of **June 2017**.

1. 2-019-2017 – License for the New Mexico Department of Transportation to realign Highway 550 within the Rio Grande Bosque and the Atrisco Feeder right of way.
2. 2-035-2017 – License with CenturyLink to install and maintain an aerial utility crossing across the Corrales Main Canal right of way.
3. 2-037-2017 – License with the Village of Corrales to install and maintain an 8"Ø fire protection line within the Corrales Main Canal right of way.
4. SP-017-2017 – License with La Vida Felicidad to conduct the 2017 Dash on the Ditch within the Valencia Interior Drain and the Valencia Acequia right of way
5. SP-018-2017 – License with Tetra Tech to access and collect soil samples from the Alameda Drain right of way for an analysis on geotechnical properties for the Alameda Drain Trail Project.
6. SP-021-2017 – License with TLC Plumbing and Utility to discharge pumped ground water into the Armijo Drain for the construction of sanitary sewer lines within Viola Road.

AGENDA ITEM 9 - REPORT(S) FROM THE MRGCD ATTORNEY(S) Chief Water Counsel and General Counsel

- a. Update on the Matter of the Election Recount Position 6, Socorro Electric Coop Polling Location – Lorna Wiggins, General Counsel

Ms. Wiggins reported that on June 29, 2017 the court in Socorro County supervised the recount of the elections that were cast at the voting convenience center, located at Socorro Electric Coop. Ms. Wiggins provided the Board a copy of the Order that was entered to the Courts.

STATE OF NEW MEXICO
COUNTY OF SOCORRO
SEVENTH JUDICIAL DISTRICT COURT

IN THE MATTER OF THE ELECTION FOR
 THE BOARD OF DIRECTORS OF THE MIDDLE
 RIO GRANDE CONSERVANCY DISTRICT

No. D-725-CV-2017-00106

ORDER ON VOTING CONVENIENCE CENTER RECOUNT

This matter came before the Court on the Verified Application for Voting Convenience Center Recount filed herein on June 14, 2017. At the June 29, 2017 recount hearing, counsel and the Election Director for the Middle Rio Grande Conservancy District ("MRGCD") and Defendant James Lee Martin appeared in person. The Court supervised

the recount of the ballots cast at the MRGCD voting convenience center that was located at the Socorro Electric Cooperative, Inc. and FINDS:

1. A total of one hundred thirty-three (133) votes were recounted.
2. The recount results were fifty-five (55) votes in favor of James Lee Martin and seventy-eight (78)

votes in favor of Valerie Moore. These results were the same results reported on election day.

HONORABLE MATTHEW G. REYNOLDS

SUBMITTED BY:

WIGGINS, WILLIAMS & WIGGINS
A Professional Corporation

Electronically signed

By Lorna M. Wiggins
Lorna M. Wiggins

Attorneys for MRGCD
1803 Rio Grande Blvd., N.W. (87104)
P. O. Box 1308

- b. Scheduling of Meeting/Workshop for Newly Elected Board Member Orientation and Overview of MRGCD Code of Conduct, MRGCD Policies and Procedures, MRGCD Water Issues and Pending Litigation, etc. - General Counsel and Chief Water Counsel.

After much discussion on available dates the Meeting/Workshop for newly elected Board Member orientation has been scheduled for Monday August 28, 2017 at 1:00 p.m.

Dr. DuMars ask the Chairman if he could present a memorandum regarding a critical issue of the Title Transfer. Dr. DuMars recommended for the Irrigation Protection Committee as a means to try to influence and implement this strategy and do a full-court press and use our contacts with Reclamation. Chairman Kelly remarked to Dr. DuMars that what he provided is a lot to digest and asked if this memo is in lieu of the discussion in Executive Session item 11a. Dr. DuMars responded yes.

Chairman Kelly asked for the Irrigation and Water Protection Committee to meet with Dr. DuMars and Mr. Hamman and report back to the full Board.

AGENDA ITEM 10 - REPORT(S) FROM THE MRGCD BOARD OF DIRECTORS

- a. Report – Bernalillo County Tour with David Gensler, June 30, 2017 – Director Baca

Director Baca reported that he went out with Mr. Gensler to get an overview of MRGCD operations. Talking one on one with Mr. Gensler he got to know him a little more, and see how he thinks and sees things. Mr. Baca also participated in the water Ops call that morning, and then went out on in the field with Mr. Gensler and looked at some hydrology infrastructure. He also visited the Corrales Siphon, and several other ditches. Director Baca commented that if anyone has not toured the District it is worth seeing it.

Director Dunning made the **MOTION TO APPROVE THE REPORT ON THE BERNALILLO COUNTY TOUR WITH DAVID GENSLER, JUNE 30, 2017.** Director Duggins seconded the motion. The **MOTION CARRIED** unanimously.

Director Duggins introduced his neighbors and newlyweds Mr. & Mrs. Wade Orr, and also thanked them for attending the Board Meeting

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

With no further questions from the Board, Chairman Kelly asked for a motion to adjourn.

Director Duggins made the **MOTION TO ADJOURN THE MEETING**. Director Lente seconded the motion and the **MOTION CARRIED** unanimously.

The meeting was adjourned at 5:22pm.

Approved to be the correct Minutes of the Board of Directors of July 10, 2017.

Attested:

David M. Fergeson
Secretary/Treasurer

John P. Kelly,
Chairman MRGCD Board of Director