

**MINUTES OF THE  
REGULAR MEETING  
OF THE  
BOARD OF DIRECTORS OF THE  
MIDDLE RIO GRANDE CONSERVANCY DISTRICT  
AUGUST 13, 2018**

Directors having been duly notified, Chairman Kelly called the regular meeting to order at 3:03 pm at the MRGCD General Office. The following Directors and Staff were present:

<b>DIRECTORS</b>			<b>STAFF</b>	
John P. Kelly	Chairman		Mike Hamman	Chief Engineer/CEO
Glen Duggins	Vice-Chair		Dr. DuMars	Chief Water Counsel
Joaquín Baca	Director	Absent	Lorna Wiggins	General Counsel
Karen Dunning	Director		Bruce Wiggins	General Counsel
Derrick J. Lente	Director		David M. Fergeson	Secretary-Treasurer
Beverly Romero	Director		Jeanette Bustamante	Administrative Officer/CPO
Valerie Moore	Director		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
			Mike Lopez	Construction QC Manager
			Daniel Arquero	Cochiti Division Manager
			Joe Brem	Albuquerque Division Manager
			Rick Altenberg	GIS/Mapping Technician

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

Elizabeth Dicharry  
Guy Dicharry  
John Fleck, UNM  
Gary Stansifer, OSE  
Viola Sanchez, BIA

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

Director Romero led the Pledge of Allegiance.

Chairman Kelly welcomed the guests and declared a quorum.

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

In order to accommodate Dr. DuMars' schedule, Item 10 was moved up to Item 8.

Due to there being no final review from the Village of Los Lunas regarding the agreement, Item 9.a. was tabled to a future meeting.

Director Romero a made the **MOTION TO APPROVE THE AMENDED AGENDA**. Director Moore seconded the motion. The **MOTION CARRIED WITH A 6-0 VOTE**.

**AGENDA ITEM NO. 3 – ELECTION OF BOARD CHAIR & VICE CHAIR – REORGANIZATION OF THE BOARD – Lorna Wiggins, MRGCD General Counsel**

The question was raised if the Board's decision in June to have seven board members present at the Board meeting prior to taking a vote on the Chair and Vice Chair could be rescinded. Lorna Wiggins said that, in fact, it could be rescinded.

Director Lente made the **MOTION TO RESCIND THE BOARD'S PRIOR ACTION BACK IN THE JUNE MEETING SO THE VOTE CAN OCCUR AT TODAY'S MEETING.**

Director Romero seconded the motion. Discussion ensued as follows:

Director Dunning asked what kind of message this would send to Director Baca (he is absent this evening). She felt that the vote was held over for others that have missed. She added she appreciates and honors everybody's vote.

Director Romero is concerned because things come up, and it is difficult to get all seven Board members at a meeting. She felt that the vote cannot continue to be put off. She also felt that this time is cutting into the time of the next Chairman's term. She is not sure she will be at the next meeting and offered to send in a proxy, via Skype, or phone call. Lorna Wiggins reported that proxy votes are a problem, but a Board member can participate via Skype or phone.

Director Lente made it clear that he does not want to purposely leave out Director Baca's vote, but he feels that the Directors owe to the consistency of the Board to choose a new Chair and Vice Chair today.

Chairman Kelly asked if Director Lente would consider modifying his motion to rescind the past action and have the election at the next meeting, no matter what. Everybody would be on notice that they need to participate, either physically or by telephone. Director Lente declined the request and felt that he is representing the sentiments of other Directors as well. Chairman Kelly stood by his decision of making the motion to defer the votes until all Board members were present.

The decision was made to try to contact Director Baca to get his vote. Mike Hamman texted him and then called him, with unsuccessful results.

Chairman Kelly reminded everyone that a motion was on the floor: **MOTION TO RESCIND THE BOARD'S PRIOR ACTION BACK IN THE JUNE MEETING SO THE VOTE CAN OCCUR AT TODAY'S MEETING.** The **MOTION CARRIED** with a 4-2 vote.

Lorna Wiggins then took control of the meeting and asked for nominations for Chairman of the Board. Director Romero nominated Glen Duggins for Chair. Director Dunning nominated John Kelly for Chair. No other nominations were presented.

Director Dunning made a **MOTION TO CLOSE NOMINATIONS.** Director Lente seconded the motion. The **MOTION CARRIED.**

Lorna Wiggins then asked for a show of hands as no one requested private ballot. Glen Duggins was called as the first nominee and received four votes. John Kelly was called as the second nominee and received two votes. Glen Duggins was elected as the new Chairman of the Board.

Chairman Duggins asked Lorna Wiggins to go ahead and continue on the floor with the nominations and vote for Vice Chair. Director Dunning nominated John Kelly for Vice Chair. Director Romero nominated Derrick Lente for Vice Chair. No other nominations were presented.

Director Lente made a **MOTION TO CLOSE NOMINATIONS**. Director Romero seconded the motion. The **MOTION CARRIED**.

Lorna Wiggins then asked for a show of hands as no one requested private ballot. John Kelly was called as the first nominee and received two votes. Derrick Lente was called as the second nominee and received four votes. Derrick Lente was elected as the new Vice Chairman of the Board.

Director Kelly expressed his appreciation for his fellow Board Members for supporting his ideas. He thanked Mr. Hamman, and staff of top-notch engineers, hydrologists, and division managers.

Chairman Duggins thanked Director Kelly for his hard work and time he has given to the MRGCD.

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

##### **a. Consideration/Approval of Payment Ratification for August 13, 2018**

Director Moore asked for clarification on what the New Mexico Watershed and Dam Owner's Coalition is. Mike Hamman yielded the answer to Director Kelly, who was one of the founders of the Coalition. Director Kelly reported that the Coalition was created in response to what a lot of statewide dam owners thought was overzealous implementation of the dam safety regulations by the State Engineer. Too many dam owners were interfacing with the State Engineer on a project-by-project basis, and, instead of discussing the issues of hydrology or the issues of factors of safety. The coalition was founded to open up a formal avenue of communication with the State Engineer's Dam Safety Bureau, joined with the New Mexico Watershed Coalition for tax purposes.

Director Dunning made the **MOTION TO APPROVE THE PAYMENT RATIFICATION FOR AUGUST 13, 2018**. Director Moore seconded the motion. The **MOTION CARRIED**.

##### **b. Consideration/Approval of July 2018 Invoice for Wiggins, Williams & Wiggins**

Director Dunning asked if the Lemmons Bank issue would ever be resolved. Lorna Wiggins responded that there has been a Special Master appointed, and, once the sale is effective, the Special Master's Report will be made available. At that point, it will be considered concluded.

Director Moore a made the **MOTION TO APPROVE THE JULY 2018 INVOICE FOR WIGGINS, WILLIAMS & WIGGINS**. Director Kelly seconded the motion. The **MOTION CARRIED**.

##### **c. Consideration/Approval of June 2018 Invoice for Law and Resource Planning Associates**

No questions or concerns were raised concerning 4.c.

Director Dunning made the **MOTION TO APPROVE THE JUNE 2018 INVOICE FOR LAW AND RESOURCE PLANNING ASSOCIATES**. Director Kelly seconded the motion. The **MOTION CARRIED**.

**d. Consideration/Approval of July 2018 Invoice for Law and Resource Planning Associates**

No questions or concerns were raised concerning 4.c.

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

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

**e. Consideration/Approval of Minutes for Regular Board Meeting - July 23, 2018**

There were no changes to the minutes for the regular board meeting of July 23, 2018.

Director Moore a made the **MOTION TO APPROVE THE MINUTES FOR THE REGULAR BOARD MEETING OF JULY 23, 2018**. Director Kelly seconded the motion. The **MOTION CARRIED**.

**AGENDA ITEM NO. 6 – ITEMS FROM THE FLOOR**

There were no public comment; however, Director Duggins took the time to thank everyone involved in the San Antonio flooding: MRGCD, BOR, Forest Service, BLM, Fish and Wildlife Service, City of Socorro, and Polvadera Water Assn.

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

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

Ms. Faler started out by saying she is happy they were able to help with the flooding problems in San Antonio.

She reported on the "tear" at El Vado. There was a buckling of the dam, which was pushed back and welded last week. She encouraged everyone to look at the pictures.

There was nothing for her to really report on water. She deferred to David Gensler's water report to hear the conditions. She believes Herron is the only place in the state where there is water stored. They are expecting Elephant Butte to be quite low by the time El Paso and Mexico stop their irrigation season later next month. There will probably be a press release regarding the reservoirs being low but also letting folks know they are still open for recreation.

Regarding the amount of water release, we started the year with about 13,000 acre-feet of the fish water, and there was a release of almost 8,000 acre-feet of the fish water. They have been buying water as fast as they can this year, since they released everything we had last year. Everything they have bought this year has already been released. She believes they will be out today, or tomorrow of fish water. They are expediting contracts as fast as they can to purchase water on an emergency basis, and we expect to have some water available for use today or tomorrow.

She reported that the State of New Mexico folks, who have been around and saw the hydrology in 2000 and 2002, have been amazed at what the District has been able to do with a small amount of water this year, the fact that you are still in business and still irrigating is quite a miracle. They acknowledged the District for the creativity in working with the pueblos on their Prior and Paramount storage and freeing that up to provide flexibility and keep all the farmers in business as much of the year as possible.

Ms. Faler gave some history on the leasing program. Reclamation has been under pressure from Congress and high-level leadership in Interior and past Reclamation Commissioners to start up a leasing program. They have given Reclamation funding for the last several years to get a leasing program started up. There has been a lot of concern in an unadjudicated basin insofar as how do you set up a leasing program for smaller amounts of water when it's an unadjudicated basin? We saw an opportunity to move that forward with National Fish and Wildlife Foundation (NFWF), as a quasi-federal agency. Reclamation picked them out because they have worked with irrigation districts and private landowners in the past successfully on setting up programs that were well received by those communities. Reclamation has handed the program off to them to work directly with the District to set the program up. This will not be a federally-driven program, even though it is using federal dollars. It is set up to be a pilot, and there will be ample opportunity to steer that pilot one way or another. She believes they picked the right time and the right folks to make it happen.

Chairman Duggins asked Ms. Faler where the water was coming from for the leasing program. Ms. Faler responded they are still talking about where the water will come from, although. Chairman Duggins followed up by asking how the payment will work. Ms. Faler responded that she is not ready to start writing checks yet. This is another reason why they picked NFWF, is that they bring resources with them. NFWF's board of directors is accountable to many philanthropic organizations. From Ms. Faler's perspective, she prefers they purchase the water so it doesn't come out of Bureau of Reclamations' budget.

Director Moore thanked Bureau of Reclamation for the help they gave during the flood.

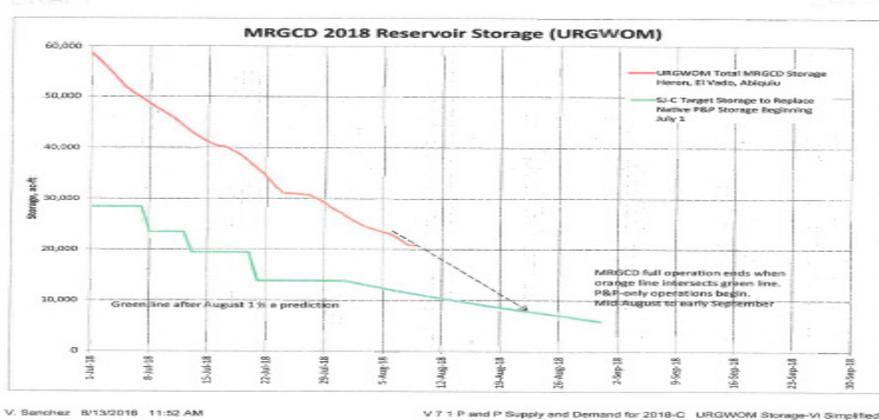
Director Lente asked how much it cost to fix the damage done to El Vado Dam. Since it just occurred, Ms. Faler was not sure of the exact cost. They used an in-house welder to make the repair.

Director Kelly asked if they knew why the damage occurred. Ms. Faler responded that the temperature is not helping with the exposure to the sun, and temperature is not doing that dam any favors. She has heard the damage described as a buckle. It' is further over towards the center of the right bank. She believes the damage could have been there and just not seen because it was covered by water.

Director Moore questioned the seepage and if the repair was complete. Ms. Faler responded that she did not know if there was a noticeable change in the seepage but knows it is repaired. Director Moore also questioned if they send divers down periodically to check on damages. Ms. Faler said they did. In '12 or '13 they noticed quite a few cracks. They sent divers in but did not do underwater repair. She thinks they missed this one. She believes this may be lessons learned to send divers in more frequently.

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

Ms. Sanchez presented some graphs. By mid to late next week, prior and paramount ("P&P") only operations will go into effect. There is a calendar that Ms. Sanchez has drafted to show the rotations between the six pueblos, which is being reviewed by pueblos.



Non-Indians may shut down for the first 12-day cycle of the Prior and Paramount only operations. If BIA sees that there is enough water for others to irrigate, they let other people irrigate. BIA will be working with the District to maximize how much water they can get to other non-Indians and irrigators, of the District.

Ms. Sanchez had a handout of the Federal Act of March 13, 1928, that she reviewed with everyone.

312 SEVENTIETH CONGRESS. Sess. I. CHS. 218, 219. 1928.

March 13, 1928. [Public No. 101]

**CHAP. 218.**—An Act To authorize the Secretary of War to sell to the Pennsylvania Railroad Company a tract of land situated in the city of Philadelphia and State of Pennsylvania.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War be, and he is hereby, authorized, in his discretion, to sell, upon such terms and conditions as he considers advisable, to the Pennsylvania Railroad Company, or its nominee, a tract of land containing one and five thousand, five hundred and twelve tenths acres, more or less, said tract now forming a part of War Department reservation at Twenty-first Street and Oregon Avenue, being the westerly end of the reservation, situated in the city of Philadelphia and State of Pennsylvania, which said tract is no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf, with and to the said Pennsylvania Railroad Company, or its nominee, any and all contracts, conveyances, or other instruments necessary to effectuate such sale; the proceeds of the sale of the property hereinbefore designated to be deposited in the Treasury to the credit of the fund known as the Military posts construction fund: *Provided,* That the Secretary of War shall have the said tract appraised at the expense of the Pennsylvania Railroad Company; *And provided further,* That the Secretary of War shall not sell said tract for a less consideration than the appraised value hereinbefore referred to.

Approved, March 13, 1928.

March 13, 1928. [Public No. 102]

**CHAP. 219.**—An Act Authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande Conservancy District providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, New Mexico, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is hereby authorized to enter into an agreement with the Middle Rio Grande Conservancy District, a political subdivision of the State of New Mexico, providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands situated within the exterior boundaries of the said Middle Rio Grande Conservancy District, as provided for by plans prepared for this purpose in pursuance to an Act of February 14, 1927 (Forty-fourth Statutes at Large, page 1098). The construction cost of such conservation, irrigation, drainage, and flood-control work apportioned to the Indian lands shall not exceed \$1,500,000, and said sum, or so much thereof as may be required to pay the Indians' share of the cost of the work herein provided for, shall be payable in not less than five installments without interest, which installments shall be paid annually as work progresses: *Provided,* That should at any time it appear to the said Secretary that construction work is not being carried out in accordance with plans approved by him, he shall withhold out of any sums that may under the agreement be due the conservancy district until such work shall have been done in accordance with the said plans: *Provided further,* That in determining the share of the cost of the works to be apportioned to the Indian lands there shall be taken into consideration only the Indian acreage benefited which shall be definitely determined by said Secretary and such acreage shall include only lands feasibly susceptible of economic irrigation and cultivation, and materially benefited by this work, and in no event shall the average per acre cost for the area of Indian

SEVENTIETH CONGRESS. Sess. I. CHS. 219, 220. 1928. 313

lands benefited exceed \$67.50: *Provided further,* That all present water rights now appurtenant to the approximately eight thousand three hundred and forty-six acres of irrigated Pueblo lands owned individually or as pueblos under the proposed plans of the district, and all water for the domestic purposes of the Indians and for their stock shall be prior and paramount to any rights of the district or of any property holder therein, which priority so defined shall be recognized and protected in the agreement between the Secretary of the Interior and the said Middle Rio Grande Conservancy District, and the water rights for the newly reclaimed lands shall be recognized as equal to those of like district lands and be protected from discrimination in the division and use of water, and such water rights, old as well as new, shall not be subject to loss by nonuse or abandonment thereof so long as title to said lands shall remain in the Indians individually or as pueblos or in the United States, and such irrigated area of approximately 8,346 acres shall not be subject by the district or otherwise to any pro rata share of the cost of future operation and maintenance or betterment work performed by the district. The share of the cost paid the district on behalf of the Indian lands under the agreement herein authorized, including any sum paid to the district from the funds authorized to be appropriated by the Act of February 14, 1927 (Forty-fourth Statutes at Large, page 1098), shall be reimbursed to the United States under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided,* That such reimbursement shall be made only from the proceeds of leases of the newly reclaimed pueblo lands whether leased by Indians or others, Indians, however, to be given the preference in the making of such leases, and the proceeds of such leases to be applied, first, to the reimbursement of the cost of the works apportioned to said irrigated area of approximately 8,346 acres: *Provided further,* That as to not to exceed 4,000 acres of such newly reclaimed lands if cultivated by Indians no rentals shall be charged the Indians: *Provided further,* That there is hereby created against the newly reclaimed lands a first lien for the amount of the cost of the works apportioned to such newly reclaimed lands which lien shall not be enforced during the period that the title to such lands remains in the pueblo or individual Indian ownership: *Provided further,* That said Secretary of the Interior, through the Commissioner of Indian Affairs, or his duly authorized agent, shall be recognized by said district in all matters pertaining to its operation in the same ratio that the Indian lands bear to the total area of lands within the district, and that the district books and records shall be available at all times for inspection by said representative.

Approved, March 13, 1928.

March 14, 1928. [Public No. 103]

**CHAP. 220.**—An Act Granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River on the Sneedville-Rogersville Road in Hancock County, Tennessee.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge and approaches thereto across the Clinch River, at a point suitable to the interests of navigation, on the Sneedville-Rogersville Road in Hancock County, in the State of Tennessee, in accordance with the

Chuck DuMars thanked Ms. Sanchez for the charts. He asked when the line hits the point, what's the plan for treating the newly-reclaimed lands the same as the non-Indian lands? At that point, how is it going to be implemented? Ms. Sanchez responded that in 2002, they went by volume. They are going to have a certain amount of flow coming down the river, and the flow times the time is going to equal the volume of water. They have portioned the volume of water based on the actual prior and paramount acreage of each pueblo.

Ms. Sanchez reminded everyone that we are going to have access to a little additional water, which is going to be the minnow water that shows up at Isleta. So, there will be opportunities for newly-reclaimed lands to irrigate.

Ms. Sanchez will come to MRGCD with a calendar, and we will sit down with the District and go over that and negotiate back and forth to see what makes to be a fair division on that extra water.

Director Moore asked how the P&P is calculated. Is it that pure 8,326 or is it the P&P farms that are under cultivation? How do you figure out how much water people get? Ms. Sanchez responded that the number was updated to 8,847 acres. They take that as a sum total for all six pueblos. So, if one pueblo is irrigating or if another pueblo is irrigating less, we do our computations based on 8,847 acres. Director Moore further questioned that if San Juan-Chama water was included in the P&P water. Ms. Sanchez responded yes.

Mike Hamman added that all six pueblos, their staff, and their legal advisors really work closely with us to maximize keeping the District in full operations for as long as possible. Without that, it would've been not only controversial but difficult to manage the various pots of water if we were not able to work this out in order to maximize our irrigation season as long as we can. We have stretched it a lot farther than we originally looked like it would pan out because good operations, the work of all of the water managers being very diligent, and then also the rains that we have received, even though they haven't been substantial. The ones that we have received have really added at least two-and-a-half, three weeks to what we were expecting initially.

Director Lente questioned the date for turnover to P&P. Ms. Sanchez believes it will be approximately 8/18 or 8/19. Director Lente then questioned what Jennifer Faler said earlier when she said that they are actively pursuing lease options from other folks that have water in the system. Are we doing the same in the District? It is the middle of August, there are many farmers in our District that are still looking forward to irrigating. Have we actively pursued leasing water from other sources? And if so, we're active competitors then to the Bureau of Reclamation in doing so? On a second note, simply because if the District is doing this to help all the farmers in the District, that would include Native American farmers, and if the Bureau of Reclamation falls under the Department of Interior, they too have a tribal obligation or a trustee obligation to tribes to protect their resources, which would be water. So, you're actively pursuing the water that would benefit the tribes to do something else, which would be the fish. How does that work?

Mike Hamman responded that it kind of bleeds into a little bit of the discussion before about leasing in general. It's very possible that a leasing program could be designed on a farm-to-farm basis.

If there was a block of, say, 10% of the acreage or something like that, that was going into that final phase of agriculture for that particular productivity of those kinds of fields. If we had a leasing program that recognized the opportunity for that field to be fallowed part or all of the year, and that farmer got paid for that particular crop, and then he takes a chance on rains to

get a couple more cuttings, then that would produce a block of water for other farmers to take advantage of.

Those are things that we're thinking about, as far as a leasing program. The only water that's out there of any significance would be the Utility Authority Water. We have already borrowed a bunch of water back in drier times, and we've been struggling to pay that back. With the forecast of rains in the coming 14 days in August and an uptick in El Nino coming in in September and early October, there's a really good probability that we're going to receive monsoonal flows well into the early fall. There is an excellent opportunity that there'll be extra water to work with. It'll be quick response when we get those storms, but we certainly expect to see extra water that we can work with even during P&P operations, if we get there.

Vice-Chair Lente then asked if the BOR had turned their charge into sustaining an endangered species. Jennifer Faler responded that BOR was not created to do good things for water and our constituents. The agency is Authority based. BOR is told specifically by Congress what they can do, and if they didn't tell them to do it, they can't do it with our funding. With that, the way they purchase the minnow water is because they say Congress told them to take over the Middle Rio Grande Project and operate and maintain it, and they would say part of operating and maintaining is they have to comply with significant laws. We can't operate and maintain it without complying with Endangered Species Act. She is not aware of any situations where BOR had the authority to buy water for farmers to irrigate with.

Vice-Chair Lente stated that it's going to be a troubling time when we pit the minnow and Indian water rights against each other or pit the minnow back to the farmers, because we're going to replay everything we went through in the late '90s, early 2000s.

Ms. Sanchez then covered proof of beneficial use and the BIA. They requested the District consult with BIA, Solicitor's Office, and the pueblos on the effect of BPU Declaration on the Indian water rights prior to actually moving forward with the PBU.

She wanted to again, bring up the obligation of the District to recognize and protect the Indian water rights, as laid out in the federal act.

There is a title transfer of irrigation facilities from Reclamation back to the Conservancy District. There are two bills which might be introduced in Congress. One is a general bill, which is to be used Reclamation-wide for simple cases. There is also a District specific bill. She is not too sure the tribes are going to be too keen on the transfer back from federal ownership back to the District. They want to make sure that the tribes are doing their due diligence with the congressional representatives to make sure that they're heard and that the language of these bills does not force them into something that they don't want to. But they are asking for the District just to keep that in mind, that it would be good to consult meaningfully with the pueblos and the BIA on such a title transfer.

Ms. Sanchez reported that at the last Coalition meeting, a presentation was made by Reclamation, wherein the cost share would not only be the Bernalillo to Belen Levee, but would be "everything." They want to make sure if it does include transfers in Indian lands, and that the proper arrangements are made based on, you know, what the pueblos would like and how to go about actually doing it.

Mike Hamman reported that we're extremely aware of all of our obligations and requirements to protect the prior and paramount water rights and any other water rights that may be pertinent to the tribes' domestic uses, etc. We understand that. We are also completely aware of all of that

associated with all the different water rights that are of interest to the District when we start designing and working through leasing programs. We are all well aware and have discussed this issue with the Coalition legal representatives and others going forward on all of these things.

In the title transfer in particular, we weren't in any way ever in favor of trying to get title of any kind, even to just the facilities that reside right on top of Indian land, which is one of the concepts that has been floated in the recent draft of the legislation. But we weren't necessarily in support of that because it doesn't really get us anything, other than it reconfirms our requirements to operate and maintain it. That's really a nonissue. The language that Mr. Hamman has seen drafted, specifically direct the Secretary to consult both individually and collectively with the six Middle Rio Grande pueblos before anything were to go forward.

Jennifer Faler reported that beyond consultation with the six Middle Rio Grande pueblos, the final deal requires the Bureau of Indian Affairs to weigh in. So, that's the last step. So, there are a couple safety valves there.

Getting back to the Bernalillo to Belen levee lands, it was just for the Corps of Engineers Project. We had a group working on the title transfer in the beginning that included the Solicitor's office, and they were heading down a road that made it sound like every single easement and every single fee simple parcel was going to have to be identified and given back to the District. She did attend the meeting that started a whole different path where they weren't going to have to do it county by county, parcel by parcel, easement by easement. That broadened the scope of it, but it was never intended to be anything on pueblo lands.

Director Kelly asked Ms. Sanchez if her handouts could be sent out with the Board packet the Friday before the meeting so that each Director could have time to review the handouts.

Chuck DuMars reported distributing this resolution is to try to pin down, once and for all, the amount of water that the District is entitled to divert between the Otowi gauge and Elephant Butte. That number was decided in the Rio Grande Compact that could be enough to irrigate 123,267 acres. That's the amount that we want to ultimately agree with the State of New Mexico that the totality for all uses is 123,607, enough to irrigate that quantity of land. We have not used that. We've used about 90,000, but the system has evolved so the water's consumed by cottonwoods, by other uses. But within this total number will be a proof of beneficial use and that's the amount that has been used, and that's the amount, and the pueblos are included within that.

Dr. DuMars thinks it's a very significant move by the District, but we need to tie up the full amount of water we have put to beneficial uses for this entire region between two gauges, that was contemplated in the Rio Grande Compact. Nothing has changed. That's federal law. We need to make sure we get that from the start.

**AGENDA ITEM NO. 9 – REPORT(S) FROM THE MRGCD CHIEF ENGINEER - Mike Hamman, CE/CEO**

**OLD BUSINESS (ITEMS DEFERRED FROM A PREVIOUS BOARD MEETING)**

- a. Final Review and Approval of Joint Powers Between the Village of Los Lunas and MRGCD to Jointly Manage the Rio Grande Bosque Lands within City Boundary - Yasmeen Najmi, MRGCD Planner**

Tabled to a future meeting.

**b. Update on Request to Develop an RFP for use of Goat Herds for Vegetation Monument Pilot Program - Yasmeen Najmi, MRGCD Planner**

Yasmeen Najmi spoke with Sterling Grogan, he has some past experience with using goats and also is trained in holistic management. Mr. Grogan is currently out of the country, but, upon his return indicated he will meet with Ms. Najmi to talk about ideas and strategies on this topic.

Director Romero reported that there is a lot of information on line about goats cleaning up lands. She reminded everyone of her request to start the pilot project (there is money in the budget for the pilot project).

Mr. Najmi reported that in the past we have used contractors that are trained, and their herds were trained in vegetation management. The cost was roughly \$30,000 to \$50,000. Ms. Najmi stated there are pros and cons that she sees thus far into the research. She believes it will be the fall before there is a proposal she can bring to the Board.

Director Dunning raised concern about the damage that goats can do and suggested a hefty liability policy by the herder. She also wants to make sure they would have staff that could quickly deal with the goats if something were to go wrong.

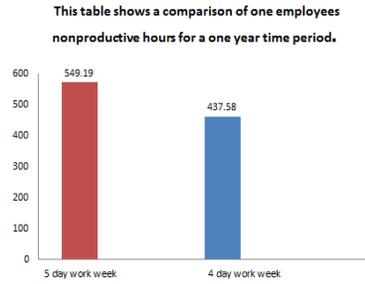
Director Kelly believes we are over-thinking this project. He would like to pick 20 acres full of weeds, fence it off, and see who wants to put their goats in there. It will be a no fault, no excuse contract. Director Romero echoed Director Kelly's sentiments about not overthinking this small project.

**c. Update on Study Regarding the 4-10s Work Week Schedule - Mike Hamman, CE/CEO**

Mr. Hamman introduced Mr. Mike Lopez, who followed with the presentation.

It showed that when comparing FY14 to FY18 (regular 5/8 versus 4/10, respectively) travel time was significantly reduced. Nonproductive hours were also reduced when comparing the two FYs. Gained production hours went up. The hours gained during a four-day workweek is equivalent to the District having 7.11 extra employees.





**Production hour gains during summer months. At this time ISO staff does not work a 4 day work week.**

Number of employees	Production hours gained
9 (ER&T)	676.26 hours
10 (Cochiti division)	751.4 hours
16 (Socorro division)	1,202.24 hours
30 (Belén division)	2,254.2 hours
50 (Albuquerque division)	3,757 hours
115 (Total number of division staff)	8,641.1 (Total hours gained for field staff)

**1. Production hour gains during winter months. During winter the months ISO staff work out of the division offices and work the 4 day work week schedule.**

Number of employees	Production hours gained
9 (ER&T)	318.24 hours
16 (Cochiti division)	565.76 hours
21 (Socorro division)	742.56 hours
48 (Belén division)	1,626.56 hours
62 (Albuquerque division)	2,192.32 hours
154 (Total number of staff)	5,445.44 (Total hours gained during winter months)

**What does this all mean?**

- By the field divisions working the four day work week, the district gains 14,086.54 hours of production per year.
- 14,086.54 hours gained is equal to the district having 7.11 extra employees at no additional expense.
- The 4 day work schedule production gains nearly equal the amount of paid holidays each employee receives for one year.
- The production gains for one year nearly equal the amount of hours it requires to mow all the irrigation canals throughout the district.
- Total hours gained times the average salary of one field staff employee equals a \$250,739.95 value per year by working a 4 day work week. Note: average salary does not include benefits, value is nearly double including benefits expense.

Director Romero asked, although the District may be financially benefitting from the 4/10 schedule, how does it impact the farmers? Are the farmers receiving the same quality of care? Mike Lopez believes that the farmers are actually receiving better care because the ISOs are in the field longer each day. They have been working on their on-call schedules and have improved that as well.

Director Kelly double checked the numbers to construction and engineering standards, and they were a match. Director Kelly supports the 4/10 workweek.

Mike Hamman reported that morale is extremely high with the 4/10 workweek. He added that with the 4/10 schedule, the District is able to call the last concrete truck of the day as well instead of waiting to the next morning. He supports the 4/10 schedule.

Director Romero asked if the savings continued into the winter months. Mike Lopez responded that he believes that the construction is best during the longer day, especially when pouring concrete.

Director Lente asked if the financials have reflected that savings yet. Mike Hamman responded that we are not gaining financially; we are gaining productivity wise. If we had to put a number on it, we would need to hire 7 additional staff to do the same work that's being done under the 4/10 schedule.

**NEW BUSINESS**

**d. Bid Award - Jeanette Bustamante, Administrative Officer/CPO**

**1. Concrete and Shotcrete - Albuquerque & Cochiti Division**



# Memorandum

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

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

**Date:** August 7, 2018

**Re:** ABSTRACT FOR CONCRETE AND SHOTCRETE

Request for Bid for Concrete and Shotcrete was advertised in compliance with the NM State Procurement Code. This award shall be for the 2019 Fiscal Year effective September 1, 2018 till June 30 2019.

VENDORS		ALBUQUERQUE GRAVEL		COYOTE GRAVEL		A-I QUALITY REDIMIX	
SCHEDULE I ALBUQUERQUE DIVISION	EST. QTY	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
CONCRETE 3,000 PSI	400	\$92.00	\$36,800.00	\$110.50	\$44,200.00	NO	BID
CONCRETE 4,000 PSI	100	\$94.00	\$9,400.00	\$115.50	\$11,550.00		
SHOTCRETE 3,000 PSI	550	\$94.00	\$51,700.00	\$116.50	\$64,075.00		
CALCIUM / POLAR SET	400	\$0.30	\$120.00	\$.50	\$200.00		
FIBERMESH	300	\$0.60	\$180.00	\$2.00	\$600.00		
AIR ENTRAINMENT	400	\$0.30	\$120.00	\$.50	\$200.00		
			\$98,320.00		\$120,825.00		
SCHEDULE II COCHITI DIVISION	EST. QTY	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
CONCRETE 3,000 PSI	60	\$115.00	\$6,900.00	\$134.00	\$8,040.00	NO	BID
CONCRETE 4,000 PSI	15	\$125.00	\$1,875.00	\$140.00	\$2,100.00		
SHOTCRETE 3,000 PSI	85	\$130.00	\$11,050.00	\$142.00	\$12,070.00		
AIR ENTRAINMENT	60	\$2.00	\$120.00	\$.50	\$30.00		
			\$19,945.00		\$22,240.00		

After thorough review, Staff is recommending award to the lowest responsible bidder Albuquerque Gravel.

Ms. Bustamante stated that the contract issued to the awarded vendor will be based on the unit cost to cover the period from award to June 30, 2019.

There were no questions or issues with the bid award.

Director Kelly made the **MOTION TO APPROVE THE BID AWARD FOR CONCRETE AND SHOTCRETE - ALBUQUERQUE AND COCHITI DIVISIONS.** Director Romero seconded the motion. The **MOTION CARRIED.**

**e. Fiscal Year 2019 Budget Approved by Department of Finance and Administration - David Ferguson, MRGCD Secretary/Treasurer**

The budget was submitted to the DFA on 7/21, and they approved it the same day. Director Kelly noted that we have received the letter, and all Board Members have read it. The budget is approved.

**f. Water Report - David Gensler, Water Operations Manager**

Water is getting really hard to find in New Mexico. All reservoirs throughout the state are best described as pitifully low. It's been a tough year, but we made it to August. We are now closing on halfway through the month of August.

At the last meeting, Mr. Gensler reported we had 39,000 acre-feet in storage. We are now under 20,000 acre-feet in storage. I don't know exactly what the number is. It was 21,000 Friday. We dropped some over the weekend. Last Thursday it was estimated runout around August 20<sup>th</sup>, but over the weekend, we got a little rain here and there, and we saved a little water. So, we're kicking the can down the road a little bit further, and it looks like we should run through August 25<sup>th</sup>. It seems inevitable that we will run out before the end of the month, but a couple more rain storms, and who knows?

In response to Director Moore's comments at the last meeting, I sent out a revised water outlook report to the Board Members last Friday. If you read through it, it probably details what we can expect when storage is gone. We will go into the P&P operations initially. During that initial changeover, we will pretty much shut off any non-Indian irrigation in the northern part of the system. What happens downstream from Isleta, we don't worry about that. But upstream, we'll be going through a period of probably a week to 10 days, kind of adjusting, and then we'll see what we have left.

He suspects that we will have some left over. We always have in the past when we've gone into these operations. So, people shouldn't automatically assume that there won't be any water once we get into this operation. There's just likely to be less. There probably will be some, possibly even a lot. We just don't know yet. It will depend on the rain and how things shake out. It certainly won't be comfortable and fun, but he doesn't necessarily think it's going to be disastrous either. When we run out of storage, we simply lose our ability to adjust the system to our needs. Instead, we have to look at what we have and adjust our needs to suit what's available. Whatever happens, we'll be optimistic and make the most of whatever we have.

Although there are still some details to be worked out, he is expecting an effort from Reclamation to maintain flows through the Albuquerque reach for the minnows. At the moment, that looks like a lease of San Juan-Chama water from the Water Utility Authority, and the Authority will also be operating with excess water so that it can stay in operation for that same period of time. Both of them will be moving a bunch of San Juan-Chama water down the system through and to the Albuquerque reach. The District will have a big role in this, an important one, really. We will be making full use of any natural flow at Cochiti or Angostura Dam, and we will be monitoring and adjusting carefully to make sure we get the Reclamation and Water Utility Authority flow delivered below Angostura. We'll be working closely with them, if there's any extra water from rain, so that we can let them save any water if there's water over and above our minimal needs.

Everybody's planning to work together and make sure that we do the most we can with the water available. The goal is to get everyone, District irrigators, silvery minnow, and the Water

Utility Authority through September and October with as little harm as possible and using as little as water as possible.

So, we have reinstated water bank curtailment in all areas now. Things are running relatively smoothly throughout the District, but there simply is no water to spare. Local conditions, rains, allowed about a week of water bank deliveries in Cochiti, Albuquerque, and the Belen areas recently. Our ISOs did a fantastic job of getting just about everybody watered who had been waiting for water during that period where we had the curtailments in place. People were getting pretty stressed and desperate, but we did manage to get water to just about everybody.

Socorro water bank users seem to be the lucky ones this year. We've lifted curtailment three times down there due to local conditions. Just reinstated it late last week, and besides the worry factor, people stressed about when the next watering is going to come. There hasn't really been too much hardship for those irrigators this year. The timing has been okay.

The river has also fared pretty well. Drying so far has been limited to that roughly a 20-mile stretch down by Socorro that we drive back in the spring and a few miles in the Isleta Reach, near the Peralta waste way. We did get a second small area of drying in the Isleta Reach a couple of weeks ago. Just before the rain came, we had about a mile near the old Abeyta's Heading that finally dried up. Kind of a harbinger of things to come if the system continues to desiccate the way it's been.

Fortunately, this was the year too of our waste way outfalls, which are currently being maintained by Reclamation and Audubon water. So, presumably fish in this area had a nearby refuge to retreat into with little or no mortality to silvery minnows, we hope. Since then, rains have reconnected the Isleta Reach, and the Rio Puerco started running yesterday above San Acacia. So, that may rewet some or all of the San Acacia Reach, depending on how long that rain inflow lasts.

If we go through September with no rain inputs and we wind up operating solely for P&P and the Reclamation and Water Utility Authority releases, significant drying of the river below Isleta Dam should be expected. Worst case, I think we could potentially see the river dry all the way from just a mile or two below Isleta, all the way down to Elephant Butte. We can assume that would have a pretty big impact on our minnow numbers by the end of the year. Not a good situation. We hope Mother Nature will be better than that for us, but I wanted the Board to be aware of this because, if it should happen, I'm sure there will be a lot of publicity about it.

It will be front page news here, maybe even national news. Nuts and bolts of water ops, today we have a demand of about 600 cubic feet per second below Cochiti, typical for late August demand. They're starting to come down quite a bit. There's about 780 coming out below the reservoir today, 600 is for us, 80 is for Albuquerque Water Utility Authority, and 75 is for the minnow, and a little bit of change just in the operational flow. We're diverting about 145 at Cochiti Dam, 145 at Angostura, between 350 and 400 at Isleta Dam. Down in Socorro, we're diverting 60 CFS from the river for about 190 in the Socorro main canal.

Mike Hamman asked Mr. Gensler to share with the Board the media plan within the next week or so, as well as the game plan in terms of working with our constituents and our ISOs to prepare ourselves for converting to P&P ops?

Mr. Gensler reported that we are starting to get the word out to our ISOs through memos and texts and emails, to be prepared for this. At some point in the very near future, and the date is not fixed because it's changing day to day, we're trying to push it out as far as we possibly can.

He still has hopes of maybe making it to September. When this happens, we will initially go into P&P operations, and we will suspend deliveries to the non-Indian irrigators upstream of Isleta Dam. Everybody knows the routine pretty well when we do this. We route our water up at Cochiti, and we lock up head gates through Pena Blanca and Sile areas and also down in Algodones, with the non-Indian areas there. Then at Angostura, anything that's left over that we determine as natural flow arriving at Angostura, we divert it and put it in the Albuquerque Main Canal.

From that point on, once it gets to the south boundary, and through that area too, we shut off all the non-Indian areas in Bernalillo or lock up the head gates up there as need be. Once it gets south of Sandia, we drop everything into the Atrisco feeder. That's the drain system that runs down there. There are no turnouts off that system. We pipe it down to the siphon north of Central Avenue. We take what we need over into the South Valley for delivery to the northwest corner of Isleta Pueblo, and we let the rest go on down the drain there to be returned to the river just above Isleta Dam.

Then, at Isleta, we divert everything that arrives there with the exception of a little bit of water that we'll probably agree to let bypass for the minnow below the dam. That's our P&P operation. And then we get out there, and we start measuring and monitoring and find out where it's going, and we find out where we don't have enough or where we have excess.

Mike Hamman elaborated that how this will all work will be posted on the website. We will also be meeting with the affected ISOs or maybe all of them in this room in a concerted effort to make sure that everybody's aware of what their role and responsibilities are in making this happen and to make them completely aware of the process that when extra water presents itself.

Director Kelly asked how they pick and choose when and where they deliver the water most efficiently. Mr. Gensler reported that it depends largely on where water becomes available. In times past, when we've done this, we have found that there have been periods of time with substantially more water, and we were able to bring the whole system online. Sometimes we get a little rainfall inflows somewhere, you know, maybe a rainstorm up in Bernalillo, for example, doesn't allow us to turn on Pena Blanca and Sile, but it allows us to turn on Bernalillo and the North Valley. So, we're very opportunistic about where the water falls.

We are very fortunate in that the geographical location of the pueblos and the layout of the canal system allow us really good control. If we have extra water, we can turn it on in an area. We don't have to go out there and organize a lot of people or lock and unlock a great number of turnouts. A lot of things can simply be turned off by turning this particular heading structure on or off. We've got really good control on that. We've been through it several years in the past, and by and large have not had a lot of problems doing it.

Director Moore thanked Mr. Gensler for the report he sent via email, and asked if the way they are doing P&P if Socorro will get a little water. David Gensler responded yes. Anything south of Isleta Pueblo is fair game. He will be meeting with Ms. Sanchez about the routing of water, because it's going to be a little bit tough because there could be a lot of water available there. There are a lot of acres at Isleta Pueblo, but not all of them are P&P, and we may have a little bit of a struggle there about making sure that they don't take too much advantage of that excess water. We want to give everybody a fair shot, and that includes 35,000 acres south of Isleta Pueblo.

There will be some water to go around, and we'll have some options there too in how we route it. We might have a week, for example, where we go ahead and leave 100 CFS in the Peralta Main. Then, the next week we might dump all that water into the drain just south of the pueblo so that it can go down to the San Juan main area. We don't necessarily have to leave it going into one area or another. We want to try and spread it around and make sure that as many people can take advantage of it as possible.

It is going to get pretty hard to get water all the way down to Socorro. There are a lot of trees, and evaporative loss. We're getting late in the season, and it is better than if it happened in June, but we have to be realistic about the fact that you could let 150 CFS go past Isleta Pueblo and not a single irrigator touch any of it, and no water would enter Socorro County. So, we're going to have to be opportunistic on how we route that water, what flows we can take advantage of.

Director Moore further questioned if Socorro would get an equal share, in proportion to the amount of farms that we have compared to Valencia County. Mr. Gensler responded that they will try very hard to do that within the practical limitations of getting the water there. If we have 200 CFS to work with and we have to pay 199 CFS carriage loss to get it to Socorro County, no, probably not going to run it all the way down there. But that's what I say where we've got to be kind of opportunistic. If we have a little rain fall event and something pushes some water into a drain somewhere, we can take advantage of that to carry the water down to Socorro and do our best to get everybody taken care of.

Mr. Gensler has talked with Mr. Hamman about the drain situation. You know a lot of our carriage happens in the drains, especially down to Socorro, and there's a little bit of a lag time. So, we may run out of storage, let's say August 25th up at the reservoir, four or five days before that translates down into a change in flows arriving in the middle valley. All of a sudden, it's the end of August, and another week, maybe 10 day, 14 days before those drains start to really drop and dry up. So, it might take another two weeks before Socorro County really feels the impact of that run out of storage up north. It's kind of like the water bank thing. In some ways they're harmed by being so far south at the end of the system. In other ways, they get to take advantages of some things other people don't get to, and they're going to have a little bit more lag time down there before the return flows tail out.

Director Romero questioned what she tell farmers when they ask her if they should plant new alfalfa. Mr. Gensler responded that a lot of people call him and ask the same question. He tells them, "It's a gamble." The District cannot guarantee you water after probably the end of August. The water may be there, you know, and God may help us. We may have large rains, the river may be flowing fat and full, everything may be great, we may be throwing away water by mid-September. We don't know. But I don't think we can guarantee it after the end of August.

Vice-Chair Lente asked if there was some sort of PR event planned to let the public know the water situation. Mr. Gensler reported that it's always hard to know when the moment should be that we alert the public. On Friday, the first memo went out to the Directors, which is probably the first proclamation. Mr. Gensler expects before the weeks out that media will pick up on it. Mr. Hamman will probably put out a press release of some kind.

Director Moore read in the *Ruidoso News* that said that the Audubon released 324-million gallons of water around mid-July. She wondered where they get their water from. Mr. Gensler responded that they get it from San Juan-Chama that they have secured by willing leasees. He noted that 324-million gallons of water is not very much water.

**g. Draft Resolution Regarding Establishment of an Elk Population Management Program Within District Lands in Southern Valencia and Socorro Counties to Reduce Impacts to Affected Farmlands - Mike Hamman, CE/CEO**

Mike Hamman hopes that everyone read their handout. This is a one-year trial to see if the District likes it. The hunts would take place in December/January because that is when the least amount of agricultural activity occurs.

Director Dunning questioned the boundaries. Director Kelly confirmed it falls within the boundary that the Board had previously discussed.

Director Moore asked about the landowners having the option to sell the permits. Mike Hamman responded that the landowners can make their own deals under the E-plus program with Game and Fish.

Director Dunning asked if we would get any proceeds from the sale of the permits. Mike Hamman responded that since we are not managing the permits, we will receive no money.

Mike Hamman will work with Game and Fish to refine this draft a little tighter and then will have legal counsel review it. He is hoping to bring it back as a final resolution for the Board vote on next meeting.

**h. Report on the Six Middle Rio Grande Pueblos Coalition Meeting, August 2, 2018 - Mike Hamman, CE/CEO**

Mike Hamman did not have much to add that was not covered by Ms. Sanchez earlier in the meeting. He reassured the Board the MRGCD does keep everyone in the loop and share information as it is readily available.

**i. Update on Flooding Response and Related Southern Valencia and Northern Socorro Counties Drainage Management Plan - Mike Hamman, CE/CEO, and Jason Casuga, Engineering Division Manager**

The last storm event caused damage to our facilities. We hired a Vector company to clean out a straight pipe. It came out nicely.

The District is now working on a concerted effort to deal with undersized culverts. We have identified a lot of issues. Jason is working on a long-term solution.

Jason went over some of the details of the contract with Bohannon-Huston. He gave a shout out to NMDOT for stepping up with funds. Mike Hamman added that we are awaiting the transfer of lands from Mr. Mechenbier. Mr. Mechenbier is committed to finding and acquiring land, either on the west side of the canal or use some more of his lands to make this work so we can clean the water and either put it back in the system or put it on his fields.

Jason added that we are making sure people are engaged because Belen had mentioned to Mr. Hamman that they are looking at a drainage channel on the west side of I-25. Details are still being looked at.

The Legislative Finance Committee has also contacted Mr. Hamman. There is a chance something is going to happen in terms of pilot funding for looking at the flood control authority.

Director Dunning asked if the railroad was attending the meeting and participating. Jason Casuga responded that the railroad is always very tough to get participation from. If something affects them, however, they are right on the spot.

Director Moore asked if there was any way to get financial help from the feds. Jason Casuga responded absolutely, there is money available; however, an entity must step forward to receive the funds. That entity has not presented itself yet.

Director Moore also asked if there was a plan to protect the ditches down in Socorro. Mr. Casuga responded that what happened in Socorro is not common, but the problems are very common in Belen.

Director Kelly suggested an executive summary be made, no longer than three pages, to be handed out in Santa Fe.

**j. Approved Procurement Contracts (For Informational Purposes)**



# Memorandum

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

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

**Date: August 8, 2018**

**Re: Contract Approval of Procurement Contracts under the CEO Contracting Authority**

- 
- |    |                      |  |
|----|----------------------|--|
| 1. | SWCA                 | (NTE) \$40,000 for Fish Monitoring   |
| 2. | SWCA                 | (NTE) \$20,000 for Fish Rescue Operations  |
| 3. | Coyote Gravel        | Award of Proposed Unit Costs for an Estimated Contract of \$29,912.50 for Concrete & Shotcrete Material for FY19<br>NTE CEO Approval Threshold   |
| 4. | A-1 Quality Redi Mix | Award of Proposed Unit Costs for an Estimated Contract of \$29,905.00 for Concrete & Shotcrete Material for FY19 –<br>NTE CEO Approval Threshold |

NTE = Not to Exceed

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Informational purposes only. No questions or comments were raised.

**k. Approved Licenses for July 2018 (For Informational Purposes)**

MEMORANDUM  
ENGINEERING DEPARTMENT

F.Y.I.



TO: Mike Hamman, Chief Executive Officer  
FROM: Alicia Lopez, Engineer  
DATE: August 9, 2018  
RE: MRGCD Licenses

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

1. SP-030-2018 License for Run Fit to conduct the 2018 NM Chips and Salsa Half Marathon along the Chamisal Lateral right-of-way for a portion of the race
2. SP-035-2018 License for Run Fit to conduct the Lavender Run along the Griegos Interior Drain and the Hackman Lateral rights-of-way for portions of the race.
3. SP-037-2018 License with the US Army Corps of Engineers for the purpose of installing water quality measurement devices at the Isleta Diversion Dam and the Rio Grande River
4. SP-042-2018 License with Franklin's Earthmoving Inc. to discharge pumped ground water lines into the Summerford Lateral right-of-way from the installation of a manhole and sanitary sewer.

Informational purposes only. No questions or comments were raised.

**AGENDA ITEM NO. 10 – REPORT(S) FROM THE MRGCD ATTORNEY(S) (Chief Water Counsel and/or General Counsel)**

- a. **Discussion of Draft Resolution Authorizing Staff and Chief Water Counsel to Develop and File Proof of Beneficial Use Application with the State Engineer - Dr. Charles DuMars, MRGCD Chief Water Counsel**

**AGENDA ITEM NO. 11 – REPORT(S) FROM THE MRGCD BOARD OF DIRECTORS**

- a. **Report on Directing Legal Counsel to Research Issuing of Bonds - Chairman Kelly with Finance Committee Concurrence**

Director Kelly sent an email out in the board packet that has details. He believes we need to look into a bond to help for the new projects. He has asked Bruce Wiggins and Mike Hamman to look into options. They will report to the next finance committee and then will bring results to the Board.

Director Dunning a made the **MOTION TO APPROVE THE REPORT ON DIRECTING COUNSEL TO RESEARCH ISSUANCE OF BONDS**. Director Romero seconded the motion. The **MOTION CARRIED**.

**AGENDA ITEM NO. 12 – EXECUTIVE SESSION**

Director Dunning a made the **MOTION TO MOVE INTO EXECUTIVE SESSION.** Director Romero seconded the motion. The **MOTION CARRIED** (by a roll-call vote).

Director Dunning	Yes	Director Romero	Yes
Director Kelly	Yes	Director Lente	Yes
Director Moore	Yes		

**a. NMSA 1978 Open Meetings Act, Section 10-15-1(H)7**  
**1. Threatened or Pending Litigation**

Some direction was made, but no decisions were made.

Director Dunning a made the **MOTION TO RETURN TO REGULAR SESSION.** Director Kelly seconded the motion. The **MOTION CARRIED** (by a roll-call vote).

Director Dunning	Yes	Director Romero	Yes
Director Kelly	Yes	Director Lente	Yes
Director Moore	Yes		

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

The meeting was adjourned at 7:49 p.m.

Approved to be the correct Minutes of the Board of Directors of August 13, 2018.

**ATTESTED:**

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

\_\_\_\_\_  
 Glen Duggins, Chairman  
 MRGCD Board of Directors