

**MINUTES OF THE  
2,190<sup>th</sup> REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF THE  
MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

**AUGUST 8, 2022 - 3:00 PM**

Directors having been duly notified; Madam Chair Russo Baca called the regular meeting to order at 3:02 pm. The following Directors and Staff were present:

**DIRECTORS**

Stephanie Russo Baca, Madam Chair	Present
Karen Dunning, Vice Chair	Present
Barbara Baca, Director	Present
John Kelly, Director	Present
Joaquin Baca, Director	Present
Glen Duggins, Director	Absent
Michael T. Sandoval, Director	Present

**STAFF**

Jason M. Casuga	Chief Engineer/CEO
Lorna M. Wiggins	General Counsel
Tanya Scott	Water Counsel
Eric Zamora	Chief Operating Officer
Pamela Fanelli	Secretary-Treasurer/CFO
Anne Marken	Water Operations Division Mgr.
Matt Martinez	Water Distribution Division Mgr.

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

Alicia Lopez, MRGCD	Holly Algermission	Michael R. Padilla, MRGCD
Anjali Bean	Jessica Lindsey, MRGCD	Mike Apodaca, MRGCD
Annalise Porter	Jessica Regensberg, MRGCD	Mitch Georgina, MRGCD
Anne Marken, MRGCD	John Thompson, MRGCD Lobbyist	Nolan Meadows, McFarms
Anthony Wagner, Corrales	Josh Hind, MRGCD	Pam McKenzie
Ashley Veihl, MRGCD	Judith McSweeney, MRGCD	Patti Williams, WWW Law
Bill Diven, Sandoval Signpost	Julian Avalos, MRGCD	Ray Hartwell, Summit Conservation
Casey Ish, MRGCD	Larissa Gordon, Ag NM	Rebecca Thompson, MRGCD
Christine Nardi, MRGCD	LeeAnn Corwin, MRGCD	Rep. Daymon Ely
Cristian. Marin, MRGCD	Leon Chiwewe, Pueblo of Isleta	Rudy Perez, Corrales
Danielle Feygin, MRGCD	Linda Dietz	Santiago Maestas
Darlene Gomez Valdez	Lucille Farrington, UNM	Sonny Cooper, Weston Solutions
Elisabeth Dicharry	Marie VanDerGeest, MRGCD	Tony Tafoya, Corrales, NM
Francesca Shirley, MRGCD	Mark R. Sanchez	Tricia Snyder, Wild Earth Guardians
Gus Van de Velde, Corrales	Max Henkels, NMSU	Tyler Ashton, Wilson & Company
Guy Dicharry	Melin Villegas-Vargas, MRGCD	

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

Francesca Shirley led the Pledge of Allegiance at today's meeting.

Madam Chair Russo Baca declared a quorum, and the meeting was publicly noticed. This meeting was a hybrid meeting; Director Barbara Baca attended virtually. Director Duggins was not in attendance.

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

Madam Chair made a change as she stated she was in attendance of Item 9.f. virtually and would report out on the MRGCD-Valencia County Coordination meeting.

Director Kelly made the **MOTION TO APPROVE THE MEETING AGENDA WITH THE ABOVE CHANGE**. Vice Chair Dunning seconded the motion. The **MOTION CARRIED UNANIMOUSLY**.

### **AGENDA ITEM NO. 3 - CONSENT AGENDA**

- a. Consideration/Approval of Payment Ratification - August 8, 2022
- b. Consideration/Approval of July 2022 Invoice for Wiggins, Williams & Wiggins
- c. Consideration/Approval of July 2022 Invoice for Law and Resource Planning Assoc.
- d. Consideration/Approval of the Minutes for the Regular Board Meeting - July 11, 2022
- e. Consideration/Approval of the Minutes for the Special Board Meeting - July 21, 2022
- f. Consideration/Approval of Contract Renewals for MRGCD Legal Counsel and Approval of the Contract for Year Three of a Four-Year Agreement
  - 1. Wiggins, Williams and Wiggins, PC, General Counsel
  - 2. Law and Resources Planning Associates, PC, Chief Water Counsel
- g. Memo on MRGCD Approved Licenses for July 2022 (For Informational Purposes Only)

Director Sandoval made the **MOTION TO APPROVE THE CONSENT AGENDA**. Seconded by Vice Chair Dunning. The **MOTION CARRIED UNANIMOUSLY**.

### **AGENDA ITEM NO. 4 - REPORT(S) FROM HUMAN RESOURCES DEPARTMENT**

- a. Introduction of MRGCD New Hires - Christine L. Nardi, MBA

Christine Nardi introduced Josefa Bolden, the new Controller for the General Office. Then went on to announce Leandro Baldonado, James Hollis and Johnny Maxwell, all equipment operators for the Socorro Division. She declared the District was now at a 12% vacancy rate. Vice Chair Dunning added that Albuquerque was at 20% and stated we are doing really well.



## Memorandum

**To:** MRGCD Chair Dunning and Board of Directors  
**Through:** Jason M. Casuga, Chief Engineer/CEO  
**From:** Human Resources  
**Date:** August 8, 2022  
**Re:** Introduction of New Hires

#### **General Office**

JOSEFA	BOLDEN	CONTROLLER	8/8/2022
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#### **Socorro Division**

LEANDRO	BALDONADO	MEDIUM EQUIPMENT OPERATOR	7/25/2022
JAMES	HOLLIS	HEAVY EQUIPMENT OPERATOR	7/25/2022
JOHNNY	MAXWELL	HEAVY EQUIPMENT OPERATOR	7/25/2022

**b. Consideration/Approval of the Personnel Policy - Christine L. Nardi, MBA and Jason M. Casuga, CE/CEO and Report from the Personnel Committee Meeting, July 27, 2022 - Vice Chair Dunning and Director Barbara Baca**

Ms. Nardi reported when an MRGCD employee is granted Classified Status, i.e., they have successfully passed their one (1) year probationary period, the MRGCD has spent valuable resources teaching, training, and integrating that employee into the organization. Generally, most employees who successfully pass their probationary period remain on a positive career path and are not subject to any disciplinary action.

However, there have been circumstances where an employee who has successfully passed their initial probationary period has violated an MRGCD policy and depending on the nature of the violation these circumstances may not warrant dismissing an employee from employment. In those circumstances, the MRGCD and the employee would be better served if the MRGCD could move to have the employee's classified status revoked and the employee returned to probationary status rather than being dismissed from employment. This option would provide the MRGCD flexibility by not only permitting an employee to improve their performance or correct a conduct or behavior issue but also providing the MRGCD an opportunity to ensure that the employee is sustaining the required level of improvement and/or correction to remain employed. This option of employee discipline could be issued as a single disciplinary action, or in conjunction with the disciplinary actions of Voluntary Demotion and Suspension.

Currently, within MRGCD's Personnel Policies and Procedures Manual, to revoke an employee's classified status would be a violation of the subject employee's constitutional right to due process, as classified status revocation/return to probationary period is not listed in the MRGCD's Personnel Policies and Procedures Manual as a form of discipline.

Therefore, she recommended that the MRGCD Personnel Policies and Procedures Manual be revised to list Revocation of Employee Classified Status/Return to Probationary Status in Section 7, the chapter on Employee Discipline as well as Section 5, the chapter on Changes in Employment Status. Additionally, to meet the due process requirement, notice to the employee and the right to a grievance hearing would be required for revocation of classified status, which would be added to Section 8, the Chapter on Grievance Procedures.

Vice Chair Dunning stated that she and Director Barbara Baca met with the Personnel Committee. She said they gave it the "second chance" nickname. She stated this option would give the employees a probationary period instead of termination, which would give them a chance to prove themselves if it was a onetime thing. She added that the Personnel Committee supported the recommended changes.

Madam Chair Russo Baca made the **MOTION TO APPROVE THE PERSONNEL POLICY AND THE REPORT FROM THE PERSONNEL COMMITTEE**. Director Kelly seconded the motion. The **MOTION CARRIED UNANIMOUSLY**.

**AGENDA ITEM NO. 5 - ITEMS FROM THE FLOOR (Comments are limited to six (6) minutes)**

**Linda Dietz**

Ms. Dietz thanked the Board for a quick reaction to the Sandia Ranch fire. She stated MRGCD started cleaning out the ditch very quickly and was very grateful of that.

Director Kelly mentioned the county's purchase of property in the area for open space. He stated the plans were controversial with the public. He said it was a large site with no supervision and they needed to take better care of that stretch of ditch.

### **Nolan Meadows**

Mr. Meadows thanked Matt Martinez and the ISOs. He said they have had much to deal with and asked if the District would be shutting the water down early again this year.

Madam Chair Russo Baca said that the Board had been very clear from the very beginning that they are not ending the season early, that it's just a run of the river system at this point because there is no storage. Whatever is in the river is in the river and it's rainfall stating nature might end the season early, but this Board has not made any decision to end the season early.

### **Tony Tafoya**

Mr. Tafoya, a water user in Corrales, stated that he could not understand why they were pumping water from the river and returning so much unused water. He suggested that water users needed to use water when it was in their area. He stated it was not fair to the other people who irrigate to wait on the people who had passed up water. He also added that turning the pumps off at night was not an option.

### **Representative Daymon Ely**

Representative Ely asked if they were going to discuss estimates for either the temporary fix or the long term fix or replacement of the siphon. He stated that he needed numbers to start talking to people to try to get funding. The Chair said it would be discussed in Item No. 9.d.

### **Guy Dicharry**

Mr. Dicharry, a Valencia County resident, stated that he was glad to see ATVs on ditches on the agenda. He said his property bordered Huning Lateral and he had seen ATVs and dirt bikes driving very fast and drag racing, which had led to degradation of the roads along the ditches and crossings. He said it mostly happened in the late afternoon/dusk timeframe. Mr. Dicharry said he was also glad to see the Natural Resources Overlay Zone Ordinance in Valencia County is on the agenda.

### **Rudy Perea**

Mr. Perea, a Corrales resident, asked when the siphon would get repaired. Madam Chair Russo Baca informed him it would be discussed in Item No. 9.d.

## **AGENDA ITEM NO. 6 - Update on the 2022 Irrigation Season**

### **a. Report on the Water Supply Conditions - Anne Marken, Water Ops Division Manager and Jason M. Casuga, CE/CEO**

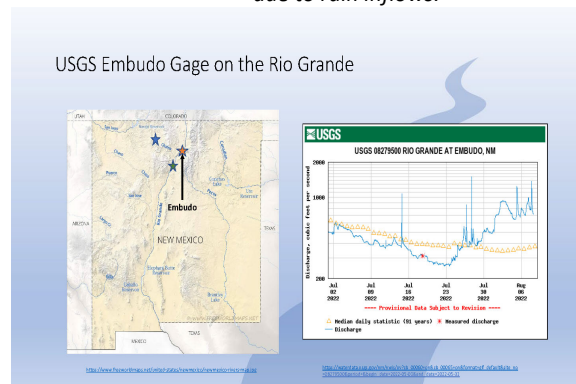
Ms. Marken was out of the office and Jason Casuga gave the report on the current water conditions. He stated there had been significant drying before the rain. He showed some hydrographs to show the spike since they received the rains. He said the Middle Rio Grande was experiencing what it was like to run off the river system. Mr. Casuga said the only bad news was with the Otowi Gage. While we have been enjoying rain, this rain has been wringing the Otowi Gage, so this has been increasing the amount of water going through the Rio Grande and delivered to the Compact. He said it was nice to have water in the valley and that they were

currently diverting and delivering water in each division. He said the National Weather Service 8-14 day outlook showed chances for precipitation and temperatures were near normal.

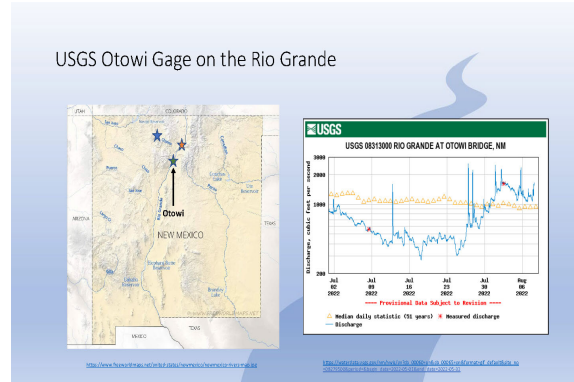
Director Kelly asked if P&P water was released. He also asked if the inflow into El Vado impacted the construction going on there. Mr. Casuga replied that they were on the cusp of going into P&P operations right before it started raining. He said he had not heard anything about the inflow impacting the construction.



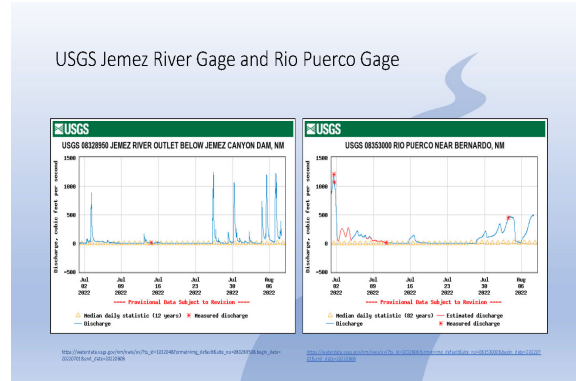
*The first Graph is Rio Chama at La Puente, which measures how much water is entering the Chama River near the top of that system. This graph illustrates that supplies on the Chama river dropped down to below 50 cfs for several days before rebounding due to rain inflows.*



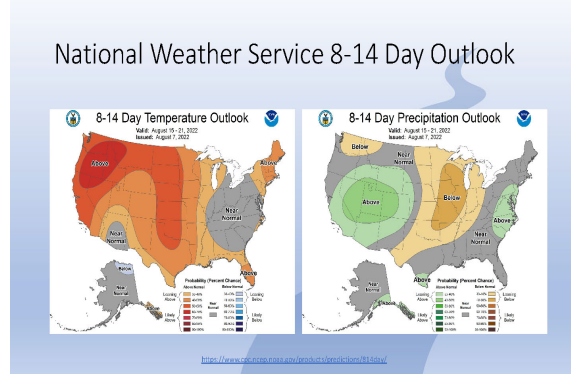
*The Embudo gage measures the flow rate on the Rio Grande above the confluence with the Chama. There is a dip below 300 in mid-July before we again see the rain inflow hit this gage. Today the Embudo gage is measuring about 700 cfs.*



*Otowi gage is on the Rio Grande below the confluence with the Chama and measures the flow rate entering the middle valley above Cochiti reservoir. Again we see the dip in mid-July followed by elevated inflows due to rain. Demand for the middle valley this time of year is typically about 800 cfs and we are currently seeing well above that entering the middle valley, as the Otowi Gage is measuring 1500 cfs this morning.*



*In addition to rain inflows in the Upper Rio Grande, Middle Valley tributaries have been producing rain inflows as well, above are hydrographs from two of them, the Jemez River and the Rio Puerco.*



*Finally looking at the 8-14 precipitation and temperature outlook the Rio Grande Valley looked like it will most likely be warmer and wetter than average, in the short term, the outlook is not bad for these storms to continue.*

## **b. Status Report on Water Distribution - Matt Martinez, Water Distribution Division Manager**

Matt Martinez gave a recap of the irrigation season. He talked about irrigators losing water and having to restart and appreciated their cooperation and understanding. He gave credit to the irrigation system operators for working through all the ups and downs. He said even though rain and runoff pulses continued to provide for the Middle Rio Grande, it would probably decline as farmers get their summer crops harvested. Mr. Martinez said those who are considering planting in the fall would largely depend on more rainfall for successful planting.

Madam Chair shared that her family may have gotten three cuttings, but instead of 300 bales, it's 120. The difficult thing is the plants themselves are struggling and competing with weeds.

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

### **a. Bureau of Reclamation - Jennifer Faler, Area Manager**

### **b. Bureau of Indian Affairs - Sandra Lucero, BIA/SWRO/Water Resources**

Neither Ms. Faler nor Ms. Lucero were in attendance; the BOR provided the below notes:

1. Heron Summary  
Content = 73,348 ac-ft (8/4)  
Azotea tunnel: 100-150 cfs  
Total SJC inflow year-to-date: 62,002 a.f.  
Currently releasing 46 cfs  
Current MRGCD storage: 0 ac-ft
2. El Vado Summary  
A. Total storage (all contractors and natural) in El Vado as of 8/4:  
1,983 ac-ft.  
B. Native in El Vado  
213 ac-ft.

C.	MRGCD's SJ-C storage in El Vado 0 ac-ft.	3.	Storage in Abiquiu
D.	P & P: 1,155 ac-ft		Content = 97,054 ac-ft (8/4)
E.	EDWA: 0 ac-ft		MRGCD's SJ-C storage= 18 ac-ft
F.	All other SJ-C contractors: 616 ac-ft		
	Current release is 250 cfs RG		Total water released for minnow to date in 2022: 5,008 ac-ft
	Inflow is 200-300 cfs		

**AGENDA ITEM NO. 8 - REPORT(S) FROM THE SECRETARY-TREASURER/CFO - Pamela Fanelli, CMA, CGFM**

**a. Consideration/Approval of the State Investment Council Joint Powers Agreement - Pam Fanelli, Secretary-Treasurer/CFO and Report on the Finance Committee Meeting, August 3, 2022 - Directors Kelly, Dunning, and Barbara Baca**

Pam Fanelli talked about the Joint Powers Agreement with the State Investment Council. She said it would allow them to invest the endowment funds in longer term options. She said they also met with the Finance Committee on the matter.

Director Kelly said this agreement would allow the District to invest through the SIC, State Investment Council. Prior to doing that, the Board will carefully listen to Pam and Jason's recommendations on how much of the endowment fund to invest, to give us some flexibility, and then how much to reserve for that rainy day that we hope keeps coming. This does not commit us to do anything at the SIC right now. That will be a follow up action of the board as we move through looking at trying to get 3% instead of well under 1%. With that, the Finance Committee recommended that the District enter into this Joint Powers Agreement. It's been reviewed by legal counsel, and he made that motion on behalf of the Finance Committee.

Director Kelly made the **MOTION OF APPROVAL TO ENTER THE JOINT POWERS AGREEMENT**. Seconded by Vice Chair Dunning. The **MOTION CARRIED**.

Madam Chair Russo Baca made the **MOTION TO APPROVE THE FINANCE COMMITTEE MEETING**. Seconded by Director Sandoval. The **MOTION CARRIED**.

**AGENDA ITEM NO. 9 - REPORT(S) FROM THE CHIEF ENGINEER/CEO - Jason M. Casuga, PE**

**a. Consideration/Approval for Resolution #M-08-08-22-191 Authorizing Application for a WaterSMART: Water & Energy Efficiency Grant (NOF #R23AS00008) Through the US Bureau of Reclamation for the Installation of Multiple Gauging Stations with the Isleta Diversion Service Area - Casey Ish, Water Resources Specialist**

Mr. Casuga stated they were requesting approval for a WaterSMART water efficiency grant with the Bureau of Reclamation's WaterSMART program to install approximately 11 more gaging stations in the Isleta Diversion Service Area, which is primarily Valencia County and the Belen Division. He said part one was to increase density of gauging and to make it available for the public. He said the engineering staff have done extensive efforts in estimating out quantities and what it would be to contract.

Vice Chair Dunning asked if this requires a match and during the budgeting process of moving money to meet the match if a separate resolution will be needed.

Mr. Casuga stated that based on the way the federal government awards these grants will not be known until September or October. If the District is picked, the negotiation with the contract will not happen until after the new year and said those dollars would hit within the next fiscal year.

<p style="text-align: center;"><b>RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT AUTHORIZING APPLICATION FOR A WATERSMART GRANT (MOF No. R22A-00000) THROUGH THE U.S. BUREAU OF RECLAMATION FOR THE INSTALLATION OF MULTIPLE GAGING STATIONS WITHIN THE ISLETA DIVERSION SERVICE AREA</b></p> <p style="text-align: right;"><b>M-08-08-22-191</b></p> <p>WHEREAS, the reliability of water supply is essential to all water users within the Middle Rio Grande Conservancy District (MRGCD or the District); and</p> <p>WHEREAS, the MRGCD relies on the Rio Grande to meet customer demand, including 60,000 acres of irrigated agriculture within four counties and six Indian Pueblos, as well as operations required to meet the MRG ESA Biological Opinion and State of New Mexico's Rio Grande Compact Obligations; and</p> <p>WHEREAS, the District desires to increase system efficiency and optimize its practices; and</p> <p>WHEREAS, the U.S. Bureau of Reclamation (Reclamation) has made available funds through its WatersSMART grant program for the purpose of supporting Water and Energy Efficiency initiatives through projects that result in quantifiable and sustained water savings, implement renewable energy components, and support broader sustainability benefits; and</p> <p>WHEREAS, the MRGCD has prioritized the installation of multiple water measurement stations within the Isleta Division Service Area to enhance MRGCD's ability to manage water more efficiently and assess opportunities for on-farm efficiency improvements; and</p> <p>WHEREAS, the MRGCD does hereby commit to being a cost share and local sponsor of the Water and Energy Efficiency program if the MRGCD is awarded a grant, including committing to a cost-share of up to \$507,786.60 in cash which the Board of Directors and Chief Financial Officer will make available by modifying the FY 2023 operating budget to account for such cost share; and</p> <p>WHEREAS, the MRGCD will work with Reclamation to meet established deadlines for entering into a cooperative financial agreement and completing the work schedule within the designated timeframe from the date of award; and</p> <p>WHEREAS, the WatersSMART grant procedures require a resolution of the governing body authorizing the submission of an application to Reclamation</p> <p><b>NOW THEREFORE, BE IT RESOLVED</b> that the MRGCD Board of Directors does hereby authorize the CEO/Chief Engineer to submit an application to the U.S.</p>	<p>Bureau of Reclamation requesting consideration for a WatersSMART: Water and Energy Efficiency Grant to fund the construction of eleven (11) gaging stations within the Isleta Division Service Area</p> <p>DATED AND RESOLVED this 8th day of August 2022.</p> <p style="text-align: center;"><b>MIDDLE RIO GRANDE CONSERVANCY DISTRICT</b></p> <p style="text-align: center;">_____ Stephanie Russo Baca, Chair of the Board</p> <p>ATTEST:</p> <p>_____ Pamela Faneli, Secretary-Treasurer/CFO</p>
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Director Kelly made the **MOTION TO APPROVE THE RESOLUTION AUTHORIZING THE APPLICATION FOR A WATERSMART GRANT THROUGH THE BUREAU OF RECLAMATION AS BEEN DISCUSSED.** Seconded by Chair Russo Baca. The **MOTION CARRIED.**

- b. **Consideration/Approval of request from City of Belen for execution of an addendum to the MOU executed March 16, 2022 - Jason M. Casuga, CE/CEO and Lorna Wiggins, General Counsel**

No discussion was had as Director Kelly stated this occurred for legal clean up.

Director Kelly made the **MOTION TO APPROVE THE EXECUTION OF THE ADDENDUM TO THE MOU WITH THE CITY OF BELEN.** Seconded by Vice Chair Dunning. The **MOTION CARRIED.**

- c. **Report on the Water and Natural Resources Committee Meeting, July 25-26, 2022 - Jason M. Casuga, CE/CEO, Chair Russo Baca, Vice Chair Dunning and Directors Kelly and Barbara Baca**

Jason Casuga said he talked to a group of legislators and stated it was a good experience. He thanked John Thompson, the MRGCD's Lobbyist, for helping him prep and understand the process. He said he had the opportunity to present with the State Engineer's Office, Norm Gaume, Middle Rio Grande Water Advocates, and Dr. Phil King, EBID Consultant. Mr. Casuga said he presented on New Mexico satisfying the Rio Grande Compact responsibility. He said they spent much time talking about moving water south of San Acacia to Elephant Butte and how the Low Flow (Conveyance Channel) is a tool needed to be utilized. He said MRGCD and staff would keep pushing.

Madam Chair Russo Baca thanked Mr. Casuga and pointed out that his and the other committees presentations would be made available to the public on the New Mexico Legislatures' Website. She mentioned the State Engineer's report showed the bosque and evaporation are huge users; that the farmers are not only using the water.



Vice Chair Dunning said she appreciated Dr. King and Mr. Gaume's talk because they sounded alarm bells and said if they didn't do something now, it would cost money. She also felt we need to keep educating legislators as much of them miss important information coming and going, being on their phones or not in attendance.

Director Barbara Baca echoed both Jason and Vice Chairs comments. She stated the most important message she heard was to work better together and smarter, and said they discussed suggestions on how we can do that.

John Thompson, MRGCD Lobbyist, said it was a challenge to keep people educated in the legislature. He said he would not be shocked to see it become more of an annual or biannual thing. He also commended Mr. Casuga on his first presentation. He said the message he took away from the meeting was that all within the Middle Rio Grande need to look at themselves and not others.

Madam Chair Russo Baca made the **MOTION TO APPROVE THE REPORT ON THE WATER AND NATURAL RESOURCES COMMITTEE MEETING**. Seconded by Director Joaquin Baca. The **MOTION CARRIED**.

**d. Report on Corrales Siphon Alternative Analysis - Eric Zamora, COO**

Mr. Zamora gave an update on the siphon. He said with Wilson and Company, they developed an evaluation matrix and looked at the alternatives, which were to repair the existing siphon, an open cut, horizontal directional drilling, micro tunnel boring machine, new pump station, new river diversion, or a no build alternative. He said they looked at many factors, such as construction cost, construction duration, time of delivery of materials, design complexity, how much NEPA permitting they would need, operational flexibility, O&M cost, and lifecycle cost. He said based on the matrix; the preferred alternative option is the horizontal directional drill.

Vice Chair Dunning asked where the pump stations came in term of analysis. She said the fire chief was wanting that kind of option.

Mr. Zamora stated that the pump station was actually in last place. He said the main issue with the pump station would be that if they river went dry, there would not be anything to pump. He said the first step would be to finalize the report for a presentation and to be ready to submit the Water Trust Board application for the project. He said they would continue to coordinate with PNM to prepare plans for temporary bypass pumping in 2023.

Jason Casuga said they would move forward with the Water Trust Board application. He said it was in their ICIP Plan, and they would do everything they could to find money. He said they believed the goal should be to plan for actual construction number to be between \$6M to \$10 million dollars. He said they were pushing hard for the pump operation in Corrales next year be electrical. He added that there was no temporary solution and to implement a permanent solution.

Madam Chair Russo Baca recapped. Jason Casuga added that with the exception of maintenance of the pumps, the only time they chose to turn the pump off and stop active deliveries was when Albuquerque had dried, and they were 10 CFS away from P&P (prior and paramount) operations. He wanted to honor delivery of native water first to the pueblos when it's that low.

Vice Chair Dunning asked how long the construction would last. Mr. Zamora said it depended on funding, but the horizontal directional drill would take about 6 to 8 months. Jason Casuga added that the manner of construction associated with that alternative does not exclude the irrigation season. It will depend on funding source and then once we let contracts, there is a wait time to receive materials.

Madam Chair Russo Baca asked if they would go through NEPA with this process, and Mr. Zamora said it was not likely.

Director Kelly stated he saw a recommendation of certainty of construction with a new line installed by horizontal directional drilling, and said he supported this recommendation. Thanked both Mr. Zamora and Tyler Ashton with Wilson & Company.

**e. Report on the ISC/MRGCD Low Flow Conveyance Channel Tour - Anne Marken, Water Ops Division Manager and Jason M. Casuga, CE/CEO**

Jason Casuga reported that he met with the deputy director of the ISC and the Rio Grande advocate for New Mexico's portion of the Rio Grande Compact. The purpose of the meeting is the District now has O&M responsibility from San Acacia Diversion Dam to the northern boundary of Bosque Del Apache. He said he was happy with the state of the channel although there was vegetation. He said it could probably run at a decent flow of rate currently, but they were hoping to get funding from the Interstate Stream Commission for rehabilitation. At his earlier meeting, the State Engineer mentioned his budget this year would come with dollars for that lower end.

**f. Report on the MRGCD-Valencia County Coordination Meeting, August 4, 2022 - Eric Zamora, COO**

Mr. Zamora said he met with Sheriff Jeff Noah, Lieutenant Joseph Rowland, County Manager Danny Monette and Public Works Director Lena Benavidez. He said the primary focus was to discuss enforcement on Conservancy facilities. It began as a discussion with the sheriff's department, and the sheriff said Valencia County Sheriff's Office was short-staffed. They were having issues hiring new recruits and retaining qualified personnel. Although they reported no issues with funding, just the manpower. Also discussed was the problem with homeless in the bosque. Mr. Zamora also said the sheriff suggested that MRGCD take a more direct approach in dealing with trespassing as it's difficult for them to distinguish who is supposed to be there or not as irrigators use ATVs and OHVs to their turnouts or to drop checks.

Madam Chair Russo Baca felt that it was not in the MRGCD ISOs job description. She said they were not law enforcement and did not have the training. She did agree that they should try to come up with some creative solutions and suggested maybe working with Game and Fish. Madam Chair Russo Baca also discussed about the homeless in the bosque and how the sheriff's department does not have the equipment to go in and clean out their campsites.

Vice Chair Dunning expressed that the sheriff's office should not expect MRGCD staff to approach people with no training. She said she was strongly opposed. With parks being closed, the District needs to be prepared for more problems with trespassing in the immediate future.

Mr. Zamora reiterated that it was only the beginning of the conversation. He said AMAFCA was employing services of private security and they would reach out to them for more information.

Mr. Zamora also touched on the plat review process as the District currently does not review plats for access issues, encroachments or current water service charges as we do here for the City of Albuquerque and the County of Bernalillo. Valencia County said it may require a change to the ordinance, but they would follow up with county officials.

He said they also talked about the fuel agreement with Valencia County. The District purchases bulk fuel through the Valencia County Public Works Department as we do with the city of Albuquerque. The agreement we have with Valencia County is we pay a percentage versus a flat fee as we pay to the city of Albuquerque. He said they asked to work with them to reduce the flat fee cost.

He also mentioned the County said they are pursuing \$1.5M funding through the legislative session for a socioeconomic plan that would lead to the development of a flood control authority. Regarding storm drainage, the county asked to be involved in the District's Watershed Study. Jason Casuga said the county could be added to the agreement but there would be federal forms through Natural Resources Conservation Service that had to be filled out prior.

Mr. Zamora said they also offered engineering services in regard to road projects; surveying services to review the installation of any culverts that the county might have.

Madam Chair Russo Baca stated she thought the meeting was well received and was glad they were continuing a partnership with Valencia County.

Jason Casuga said they needed to fully understand the money they're asking for and how they see their process for socioeconomic study taking place and what part of the component that was in. He suggested that John Thompson should be a part of those talks.

Madam Chair Russo Baca made the **MOTION TO APPROVE THE MRGCD-VALENCIA COUNTY COORDINATION MEETING**. Seconded by Director Kelly. The **MOTION CARRIED**.

- g. **Notification of the 2022 MRGCD Water Service Charge Reclassification Hearing per NMSA 73-18-8.1; hearing scheduled for September 12, 2022 - Jason M. Casuga, CE/CEO**
- h. **Upcoming Events**
  - a. Third Annual National Latino Farmers & Ranchers Congress, Isleta Resort & Casino, October 27-29, 2022

Mr. Casuga notified the Board at the next meeting will be the water service charge reclassification hearing and upcoming events, such as the National Latino Farmers & Ranchers Congress to be held in October. As well as, the New Mexico Watershed and Dam Owners Coalition will be held at the Isleta Resort & Casino October 12 through 14th.

#### **AGENDA ITEM NO. 10 - REPORT(S) FROM THE MRGCD ATTORNEYS - Chief Water Counsel or General Counsel**

Lorna Wiggins reported on litigation that the firm filed on behalf of the MRGCD on June 27, 2022, following a report from one of the District's ISOs of an assault and battery that he suffered at the hands of the son and nephew of an irrigator in northern Socorro County. We filed suit for TRO, temporary restraining order, and a claim for assault and battery. The case is now pending before Judge Murphy. We understand from Chambers, that Judge Murphy is about 10 days out

from holding hearings. We have not yet been scheduled for a hearing on our request for a temporary restraining order. Obviously, we will keep the Board informed as the matter progresses. She felt it's unfortunate that we have to take this kind of an action; yet, it demonstrates, once again, the Districts' commitment to its staff and ensuring the safety of everyone who works for the MRGCD.

Tanya Scott, in Dr. DuMars absence, reported on the status of two matters that they're handling on behalf of the District that are more litigation related. The first being the status of the application to temporarily use Abiquiu for storage while the El Vado (dam) is ongoing repairs. That application was protested by the Albuquerque-Bernalillo Water Utility Authority. Based upon their claim that using their storage would encroach on their easement with Ghost Ranch. She said that Dr. DuMars has been in recent contact with Jay Stein, who is the attorney for the ABCWUA, and Mr. Stein had apparently a proposal that Dr. DuMars has not had the opportunity to respond to yet, but that's where that lies.

Jason Casuga added that this protest has not affected ABCWUA's approval of storage of P&P water obviously, because that has been stored in Abiquiu. This is related to any native that beyond P&P water that we asked for, and flexibility, so this does not affect the storage of P&P water.

Ms. Scott continued with the status of the Wild Earth Guardians appeal of the State Engineer's decision to allow the filing of extensions of time for PBUs much later than may have been required or necessary. And that case was originally brought before the State Engineer's Office, where the Wild Earth Guardians filed a request for a hearing on the State Engineer's decision to allow the PBU filings to be brought up to date. Wild Earth Guardians appealed that to the district court, where it is now in the district court. The district court had ordered the parties to mediation. This is Judge Matthew up there who is the water judge, and they normally do that to try to get everybody to come to the table to see if there's some common ground to settle the case. The State Engineer, of course, is also involved in that case, because it really tests the State Engineer's discretion to allow these extensions of time after the fact. She attended some of those mediation sessions. Dr. DuMars had attended some of them. At this point, she thinks we're looking to move forward with the actual briefing of the issue on appeal, which is the discretion of the State Engineer to issue these. It is not basically what should be included within the PBU, and when that PBU should be filed, which is the position that Wild Earth Guardians has taken. Their plan at this point is to go ahead and start briefing what the actual issue is, so that can be decided by the district court.

Vice Chair Dunning asked if they had a sense of the timeline for Texas v. New Mexico. Jason Casuga said he was not sure, but was encouraged because no one was giving out information, which was a sign they were working hard. Ms. Scott echoed his statement by saying they had been holding very long sessions and were still talking. She said she was hopeful they were close.

## **AGENDA ITEM NO. 11 - REPORT(S) FROM THE BOARD**

### **a. Report on the Isleta Reach Stewardship Association Meeting, July 12, 2022 - Chair Russo Baca**

Madam Chair stated that she met with the IRSA at Sevilleta. She said there was a great presentation on the silvery minnow habitat, specifically in the Sevilleta area of the river, like the inlet channels that are cut in order to provide habitat for the minnow.

**b. Report on the Valencia County Commission Special Public Hearing, July 14, 2022 - Chair Russo Baca**

Madam Chair Russo Baca stated it was over seven hours long past midnight. She said they talked about how the NROZ Zone would allow mining of natural resources like brackish water to oil and gas but could not occur within the benefited area of MRGCD. Madam Chair Russo Baca said experts urged the county commissioners to vote against it.

**c. Report on the Mid-Region Council of Governments Metropolitan Transportation Water Resources Board Meeting, July 13, 2022 - Directors Barbara Baca and Joaquin Baca**

Both Directors Joaquin Baca and Barbara Baca attended the Water Resources Board Meeting on July 13<sup>th</sup>; not the Metropolitan Transportation Board meeting. He said it had been the first since the pandemic, they nominated and elected Steven Glass as the new Chair. He said the meeting was sparsely attended, had short public comment, and gave a presentation on warm water which is taking some of the origination bylaws of the Water Resource Board and changing the definitions within that to make it much more as we move forward in the new hydrologic reality.

Director Barbara Baca stated she was impressed with the presentation of the warm water approach and would love for them to come and give MRGCD a presentation on it sometime in the future. It's regional water planning. She recommended they reach out to them to see if they could fit into the agenda.

Madam Chair Russo Baca made the **MOTION TO APPROVE THE REPORT ON THE MID-REGION COUNCIL OF GOVERNMENTS BOARD MEETING**. Seconded by Vice Chair Dunning. The **MOTION CARRIED**.

**d. Report on the Meeting with Molly Madden regarding Willie Chavez Park, July 15, 2022 - Chair Russo Baca**

Madam Chair Russo Baca met with Molly Madden, a former educator with the Belen School District, and they spoke about the Willie Chavez Park located before the river bridge in Belen, which is partially owned by Belen Consolidated School District and MRGCD (within the bosque). She said she was reaching out to the NM Environment Department and Ms. Madden would reach out to Belen Consolidated Schools to get the park back up and running.

**e. Report on the Meeting with Constituent regarding ATV Traffic on Ditch Bank, July 18, 2022 - Chair Russo Baca**

Discussion was had earlier in the meeting.

**f. Report on the Legislative Committee Meeting, July 19, 2022 - Chair Russo Baca and Directors Barbara Baca and Joaquin Baca**

Discussion was had earlier in the meeting and the Chair made the motion to approve the report.

Madam Chair Russo Baca made the **MOTION TO APPROVE THE REPORT ON THE LEGISLATIVE COMMITTEE MEETING**. Seconded by Director Joaquin Baca. The **MOTION CARRIED**.

**g. Report on the Conservation Advisory Committee Meeting, July 21, 2022 - Chair Russo Baca**

Madam Chair Russo Baca said there was many people at the meeting. She said Casey Ish stated there was 26 CFS being released to the outfalls in Isleta Ranch in his report. She said without rains, Albuquerque Reach would start drying. She said the program enrolled 2,554 acres this irrigation season. She also said ISOs had been doing random inspections and had not run into any compliance issue thus far. She also said Casey (Ish) was working on aquifer storage and recovery research. Madam Chair Russo Baca said Yasmeen (Najmi) reported on progress and updates on the MRG Conservation Action Plan. She also mentioned a contractor was hired to monitor and collect vegetation data in all four counties.

**h. Report on the Quivira Coalition and the NM Coalition to Enhance Working Lands Fellows Roundtable Discussion - Chair Russo Baca**

Madam Chair Russo Baca said that she had a roundtable discussion with the Quivira Coalition and NM Coalition to enhance working lands. She said they visited her farm and talked about the current farming issues and the New Belen Wasteway.

Vice Chair Dunning made the **MOTION TO APPROVE ALL THE REPORTS**. Seconded by Director Kelly. The **MOTION CARRIED**.

Jason Casuga added that he and the Chair will be attending a press opportunity with Representative Melanie Stansbury August 17<sup>th</sup>, as the Rio Grande Water and Security Act, the Water Data Act, and the Tribal Security Act, all legislation that was bipartisan supported. The Chair will be providing comments on behalf of MRGCD. He stated that all three of these bills were supported by the MRGCD, and the Rio Grande Water Security Act is the steps needed, and studies needed to hopefully one day have reauthorization of potentially Cochiti and all of the dams for more flexible use. He thought this is the step in the right direction, but we as non-feds need to make sure that we partner up and make sure we get our foot in that door as those conversations happens since it's our constituents on the ground.

With no further comments, questions, or concerns, Madam Chair Russo Baca adjourned the meeting at 5:03 pm.

Approved to be the correct Minutes of the Board of Directors of August 8, 2022.

**ATTESTED:**

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Pamela Fanelli, CMA, CGFM  
Secretary-Treasurer/CFO

\_\_\_\_\_  
Stephanie Russo Baca, Madam Chair  
MRGCD Board of Directors