

**MINUTES OF THE
2,192nd REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

OCTOBER 10, 2022 - 3:00 PM

Directors having been duly notified; Madam Chair Russo Baca called the regular meeting to order at 3:01 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 | Present |
| Michael T. Sandoval, Director | Present |

STAFF

| | |
|--------------------|----------------------------------|
| Jason Casuga | Chief Engineer/CEO |
| Lorna Wiggins | General Counsel |
| Dr. Charles DuMars | Chief Water Counsel |
| Pamela Fanelli | Secretary-Treasurer/CFO |
| Anne Marken | Water Distribution Division Mgr. |
| Matt Martinez | Water Operations Division Mgr. |

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

| | | |
|------------------------------------|--------------------------------|---------------------------------------|
| Adam Lauer, Farm Credit of NM | Cindy Todd | Larissa Gordon |
| Alicia Robinson-Welsh | Danielle Feygin, MRGCD | LeeAnn Corwin, MRGCD |
| Angela Sylvestre | Danielle Schlobohm | LeslyAnn Thompson |
| Anita Adalja | State Rep. Daymon Ely | Liz (no last name provided) |
| Annalise Porter | Eric (no last name provided) | Mark Sanchez |
| Anne Marken, MRGCD | Estella Gamboa, MRGCD | Michael Padilla, MRGCD |
| Antonia Ruiz | Giuli Frendak | Neal Hurley |
| Ash Abeyta | Ian Colburn | Nico (she/they) |
| Ashley (no last name provided) | James Stewart | Pam McKenzie |
| Ashley Veihl, MRGCD | Jessica Lindsey, MRGCD | Peter Rice, Downtown Albuquerque News |
| Benjamin Bartley | John Philips | Richard Salas |
| Bill Turner, WaterBank | John Thompson, MRGCD Lobbyist | Sonny Cooper (Weston) |
| Blane Sanchez, Isleta 2nd Lt. Gov. | Josh Hind, MRGCD | Thomas Padilla, MRGCD |
| Caroline Ogg | Julian Avalos, MRGCD | Tiffany Rivera |
| Casey Ish, MRGCD | Keegan (no last name provided) | Valleygirl |
| Cassandra Huneau | KMc (no last name provided) | |

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Director Kelly led the Pledge of Allegiance at today's meeting.

Madam Chair Russo Baca declared a quorum, and the meeting was publicly noticed with all members in attendance.

AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA

Vice Chair Dunning suggested deleting Item 9 since it was Indigenous People's Day, a federal holiday and the agencies were not in attendance.

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

AGENDA ITEM NO. 3 - CONSENT AGENDA

- a. Consideration/Approval of Payment Ratification - October 10, 2022
- b. Consideration/Approval of September 2022 Invoice for Wiggins, Williams & Wiggins
- c. Consideration/Approval of September 2022 Invoice for Law and Resource Planning Assoc.
- d. Consideration/Approval of the Minutes for the Regular Board Meeting - September 12, 2022
- e. Consideration/Approval for Resolution M-10-10-22-195 Disposal of Obsolete Items - Andrew Melendez, ER&T Assistant Manager
- f. Memo on MRGCD Approved Licenses for September 2022 (For Informational Purposes Only)

Vice Chair Dunning requested to amend the minutes to include they had a meeting about threatened and pending litigation, but no decisions were made.

Vice Chair Dunning made the **MOTION TO APPROVE THE CONSENT AGENDA AND ACCEPT THE AMENDED MINUTES**. Seconded by Chair Russo Baca. The **MOTION CARRIED UNANIMOUSLY**.

AGENDA ITEM NO. 4 - INVESTIGATION OF MRGCD STAFF OF ASHOKRA FARMS REQUEST FOR INGRESS/EGRESS OF THE ALBUQUERQUE RIVERSIDE DRAIN - Jason M. Casuga, CE/CEO


Mr. Casuga stated that the presentation was constrained to staff with nothing included related to Director Dunning or Director Barbara Baca's conversation. He felt that was not within his purview as the CEO.

He gave a presentation on the investigation of how MRGCD staff handled their interactions with Ashokra Farms and how MRGCD administered the process for applying for ingress/egress access. In this case, request was submitted for access of the Albuquerque Riverside Drain.

Ashokra Farm Request for Parallel Access License


Middle Rio Grande Conservancy District
October 10, 2022

Prepared by:
Jason Casuga, PE, CEO and Chief Engineer



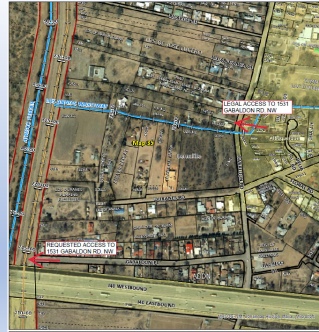
Background

- On August 5, 2022, MRGCD Right-of-Way Specialist responded to a complain about traffic on ditch bank.
- MRGCD employee encountered the removal of bollards and placed a service order to repair/secure Rio Grande Valley State Park and Albuquerque Riverside Drain.
- During site visit, MRGCD Right-of-Way Specialist found Ashokra Farm parked on ditch bank and informed them of MRGCD policy regarding unauthorized vehicle use.
- Photos: Above image shows 2007 imagery of traffic control devices. Below image shows vandalized access and entry point.



Background

- On August 8, 2022 Ashokra Farm submitted a license request for parallel access to existing gates on the Albuquerque Riverside Drain.
- License application was in response to MRGCD employee informing Ashokra Farm they were not authorized to use the ditch bank for access and the repair to the traffic gate.
- On August 10, 2022, MRGCD Right-of-Way Specialist conducted a site visit in response to the license request.
- The request was evaluated per MRGCD Rule No. 28, Traffic Gate Policy.
- The request did not meet standard criteria and was denied by Lands and Licensing Supervisor and COO. Requester was notified via certified mailed letter on August 23, 2022.



Existing Conditions

- MRGCD staff evaluated that traffic gates existed in this location as part of 1997 Joint Powers Agreement (JPA) with the City of Albuquerque for the Rio Grande Valley State Park.
- Section 2.2 of the Traffic Gate Policy states "The MRGCD may install gates at the request of local, state, regional, county, federal, tribal, and law enforcement agencies (partner agency) to support public health and safety and to protect shared property."
- Vandalized access control was repaired by MRGCD staff in August 2022 after complains of traffic on the ditch bank.



Above: 2007 Google Earth imagery of traffic gate and railroad tie bollards.

Rio Grande Valley State Park JPA stipulation 5:

§. Motor Vehicle Restrictions

The parties agree that it is in their mutual interest to control unauthorized access by motorized vehicles within the Park. The City agrees to erect and maintain vehicle barriers subject to the approval of the MRGCD. The parties agree to keep these barriers locked or otherwise secured, to prevent vandalism, theft of flood control jetties, levee deterioration, and to control dumping, shooting, fires, resource removal and other illegal or nuisance activities.

In the matter of the Right of Way Specialist blocking the gate, Mr. Casuga pulled GPS information for that day, noting that there was no indication that they blocked Ashokra Farms. According to the GPS, the vehicle did not stop at the entrance to get into the drain.

He also talked about the gate policy, MRGCD Rule No. 28, which showed the request did not meet the standard criteria for access of the gate and was recommended to be denied. He believed the farm has access from Gabaldon Road that allows them to come to a set of double gates.



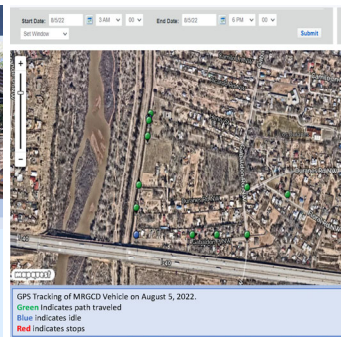
Photo: Driveway access from Gabaldon Road



Photo: Double gates leading to farmed property from driveway.

MRGCD Rule No. 28 Traffic Gate Policy

- Legal access is the standard in evaluating access exceptions to traffic gates.
- Section 6.2A states, "6.3 A farming operation that does not have a viable alternative to conduct operations without vehicular/farming equipment access of an MRGCD gate/facility may apply for a Special Use License for temporary access of gates."
- It was determined that Ashokra Farm has the ability to access their farm from a public road.



GPS Tracking of MRGCD Vehicle on August 5, 2022.

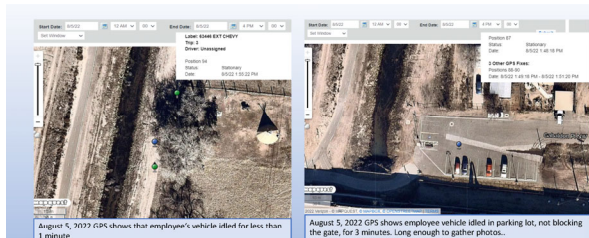
Green indicates path traveled
Blue indicates idle
Red indicates stops

Ashokra Farm's September 7, 2022 letter submitted to the Board of Directors describes a "stand-off" in which they claim a MRGCD Right-of-Way Specialist "Physically used his vehicle and self to physically block Ashokra Farm from returning to the roadway."

MRGCD investigated this claim using photos and GPS records and found that vehicle was never parked in a manner which could physically block the ditch bank

Right-of-Way Specialist was performing normal job duties.

Staff Evaluation



August 4, 2022 GPS shows that employee's vehicle idled for less than 1 minute

August 5, 2022 GPS shows employee vehicle idled in parking lot, not blocking the gate, for 5 minutes. Long enough to gather photos.

Employee vehicle GPS



Photo taken from ditch bank of Ashokra Farm parked on the ditch bank. Employee informed them they were not authorized to park on bank and escorted them off MRGCD ditch bank. Gate was not blocked by employee.

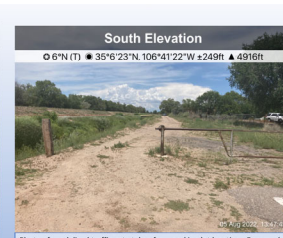


Photo of vandalized traffic gate taken from parking lot location. Removed bollards were the purpose of installing new fencing.

Photos taken at "Vehicle Idle" locations

He said the staff informed Ashokra Farms verbally that it was denied. Mr. Casuga stated that the area had been under controlled access since 1997. He did state that if someone was not granted permanent ingress/egress, the gate policy would allow temporary access for bringing equipment to your farm.

Mr. Casuga then answered all the questions one by one from Ashokra Farms letter. He ended with stating he believed that as the policy was written, staff implemented the policy correctly and did not have evidence to show that a staff member used their vehicle as a barricade.



MEMO

TO: Stephan Russo-Baca, Chair
 FROM: Jason M. Casuga, P.E., CEO/ Chief Engineer
 DATE: September 28, 2022

RE: REVIEW OF STAFF IMPLEMENTATION OF RULE 28 RELATED TO ASHOKRA FARMS INGRESS/EGRESS REQUEST ALONG THE ABQ RIVERSIDE DRAIN

On September 7, 2022 Ashokra Farm submitted a letter to the Board of Directors and requested answers to the questions posed in the letter. The questions and responses are below.

Were the actions of MRGCD standard policy or practice? If not, were they deemed appropriate in this case?

- MRGCD has evaluated the Ashokra Farm request and staff evaluation of the request and determined that MRGCD staff actions were in accordance with MRGCD Rule No. 28 Traffic Gate Policy (Policy)

Is installing gates the standard practice or policy to restrict vehicular traffic on MRGCD rights-of-way (ROW)?

- Yes, traffic gates are a standard practice to secure MRGCD ROW from unauthorized vehicular traffic. The policy provides guidelines for the administration, application, installation, operation and maintenance of gates on Middle Rio Grande Conservancy District (MRGCD) canals, laterals, acequias, drains, and other MRGCD facilities.
- MRGCD has a standard gate detail which it uses to close the ROW. In fact, MRGCD has received funding from Bernalillo County and Capital Outlay Funds in our efforts to close ROW from unauthorized vehicular use.
- Section 6 of the MRGCD Gate Policy, Rule 28 outlines that access of MRGCD ROW is limited to "MRGCD personnel, first responders, other officials, and qualified licensees".
- Section 6.1.C of the Policy states, "Use of an MRGCD canal/ drain banks, operation/ maintenance access, or rights-of-way for parallel ingress/ egress to private property, or as a traffic thoroughfare, or detour is not authorized. MRGCD CEO/ Chief Engineer shall approve exceptions for landlocked properties."
- Section 6.2A of the Policy states, "6.3.A A farming operation that does not have a viable alternative to conduct operations without vehicular/ farming equipment access of an MRGCD gate/ facility may apply for a Special Use License for temporary access of gates."

Were the traffic gates installed in response to requests from affluent community members? Were they installed between August 8-10?

- No, the MRGCD established traffic gates along the Albuquerque Riverside Drain as early as 1997. Historical imagery shows traffic gates and railroad ties used as bollards. MRGCD staff placed a service order on August 10, 2022 to replace existing traffic control because the bollards had been vandalized and removed. The use by Ashokra Farm brought this breach to MRGCD's attention.
- City of Albuquerque is responsible for access control for all land between the outer banks of the riverside drains per Stipulation 5 of the Rio Grande Valley State Park JPA -1997.

5. Motor Vehicle Restrictions

The parties agree that it is in their mutual interest to control unauthorized access by motorized vehicles within the Park. The City agrees to erect and maintain vehicle barriers subject to the approval of the MRGCD. The parties agree to keep these barriers locked or otherwise secured, to prevent vandalism, theft of flood control gates, levee deterioration, and to control dumping, shooting, fires, resource removal and other illegal or nuisance activities.

- Section 2.2 of the Policy states "The MRGCD may install gates at the request of local, state, regional, county, federal, tribal, and law enforcement agencies (partner agency) to support public health and safety and to protect shared property or project interests. The MRGCD may request a cost-share agreement for partner agency gate installations."

Why Did MRGCD not post 30 days notice before closing the ditch bank?

- MRGCD was restoring vandalized traffic controls that have existing since 1997.

Is legal access the standard for assessing traffic gate access?

- Yes, the policy states, "6.3.A A farming operation that does not have a viable alternative to conduct operations without vehicular/ farming equipment access of an MRGCD gate/ facility may apply for a Special Use License for temporary access of gates."

Did MRGCD find that Ashokra Farm had "reasonable access"?

- MRGCD Right-of-Way Specialist met with Ashokra Farm on August 8th, after they submitted for a license for access. It was determined that their access included a wide driveway and double wide gates to enter the farmed property. MRGCD staff determined they had the ability to create access from a public road.

Is it standard practice to stop people on ditch banks or respond to complaints?

- Yes, MRGCD Right-of-Way Specialists' job descriptions state:
 - "Performs daily inspections to monitor public and outside agency activities on MRGCD property."
 - "Responds to constituent inquiries and complaints; communicates with constituents, licensees, and irrigators to make recommendations and provide resolutions to land use issues; determines course of action for managing and diffusing incidents."

1 of 2

2 of 2

Chair Russo Baca asked about the letter that MRGCD sent to Ashokra Farms on August 24th, stating that MRGCD was willing to accommodate temporary access under Rule 28 for harvesting. She asked if anything had been submitted for temporary access. Mr. Casuga replied that he had not been contacted by Ashokra Farms.

AGENDA ITEM NO. 5 - ASHOKRA FARMS APPEAL REGARDING DENIAL OF MRGCD LICENSE OF VEHICULAR ACCESS OF THE ALBUQUERQUE RIVERSIDE DRAIN - Anita Adalja and Ash Abeyta

Antonia Ruiz, a member of the Ashokra Farms team, felt that the MRGCD never had any true intention of finding a fair solution to their problem. She said they never asked for a special favor and were appealing to the authority over the access road for fair and safe use only. She stated that all of their communications were in an effort to understand why they were denied and none of the answers from MRGCD were satisfactory. She said they asked for criteria and felt they were given unclear answers with no substance. Ms. Ruiz explained that to enter their field, they have to go through the landowner's coded gate, down her driveway and around her free range goats, and put a fence in the backyard so the goats or llamas don't enter their field. They said the policy stated it usually took around three months to block access after a complaint, but only took 6-7 days since the complaint came from the wife of Los Duranes Neighborhood Association. She stated they believed it was discrimination against people of color and women farmers. She said that the MRGCD's selective enforcement imposed significant time and labor costs to Ashokra Farm by blocking their access to their field in the most intense part of the growing season, resulting in decrease in efficiency and increase in costs. Ms. Ruiz said it was the MRGCD's duty to correct their own backwards behavior.

Director Joaquin Baca stated it was difficult to come to any definitive decision when there was so much hearsay. He said he did reach out to Ashokra Farms to meet with them, but they requested they only wanted to communicate via writing, which meant they could only discuss the matters in the monthly meetings, which slowed down the process. He said it was

unfortunate that it happened within harvesting season, but when an investigation is asked to be had, they have to follow policy and procedure at that point.

Ash Abeyta, a member of Ashokra Farms team, stated they had hundreds of pounds of vegetables coming out of their fields and having to take it through two gates and down an electric fence took much time, which decreased their efficiency. She stated that it added another 15 minutes to their already busy day.

Lorna Wiggins, MRGCD legal counsel, asked if the farm made any requests for temporary access, as they had been told they could by MRGCD. Mr. Casuga replied that they had not been contacted by Ashokra Farms regarding temporary access.

Anita Adalja, farmer with Ashokra Farm, said it was tricky for them because they own four fields of about 2.50 acres, so the field was not just for harvest, but to access their wash station, shed, cooler, etc. She said it was not just the harvest but for the entire season.

Dr. DuMars, Chief Water Counsel, asked if it was their position the MRGCD staff abused its discretion by not granting them access.

Ashokra Farms stated that the entire incident was caused by wife of a member of the Los Duranes Neighborhood Association calling in a complaint about them, and they believe there was definite bias and favoritism given by the MRGCD.

Director Duggins stated that the believed the staff did a good job investigating and had done all they could with the policy.

Director Kelly felt it was incumbent on them to consider the information and bring it up as a decision at the next meeting. He requested that they all consider what had been presented and perhaps take a look at the policy itself.

Director Glen Duggins said the staff had done their due diligence and their work, and if they wanted to look at the policy down the road, they could.

Vice Chair Dunning agreed with Director Duggins. She said it was an appeal and there was no need to keep putting it off.

Ms. Wiggins stated that Ashokra Farm had not presented sufficient evidence to cause the board to believe the staff violated its policy. She also requested removing unsubstantiated comments about the MRGCD board members made by Ashokra Farms from the minutes.

Chair Russo Baca made the **MOTION TO ALLOW MRGCD TO TAKE A VOTE ON THE APPROVAL OR DENIAL OF ASHOKRA FARMS.** Seconded by Vice Chair Dunning. The **MOTION CARRIED UNANIMOUSLY.**

Director Kelly made the **MOTION TO DENY THE APPEAL OF ASHOKRA FARMS.** Seconded by Chair Joaquin Baca. The **MOTION CARRIED UNANIMOUSLY.**

Director Joaquin Baca made the **MOTION TO REMOVE UNSUBSTANTIATED COMMENTS ABOUT MRGCD BOARD MEMBERS MADE BY ASHOKRA FARM FROM THE RECORD.** Seconded by Madam Chair Russo Baca. The **MOTION CARRIED EXCLUDING VICE CHAIR DUNNING WHO ABSTAINED.**

AGENDA ITEM NO. 6 - ITEMS FROM THE FLOOR**Antonia Ruiz**

Ms. Ruiz commented on the tracking of GPS, how the car was idle and not stopped in the presentation and felt it was incorrect. Stated a vehicle did not have to have the engine off to be blocking someone's way out. They were asked to turn around. She felt the MRGCD staff member started the conversation aggressively but then became more polite. She also said there was no signage stating that it was a controlled access, so they had no idea. She stated that as soon as they knew, they stopped using the road and applied for access through the proper channels.

Anita Adalja

Ms. Adalja stated that when they were using the road, they did not actually understand who was in control of the road. She stated that the board meeting felt like an attack on their character, so they felt the need to defend themselves. She said she believed there was a misunderstanding about the location of where the MRGCD staff member was when talking to them and that he was kind to her after she explained to him that they did not know they could not use the road. She added that blockades can be physical, and they can be with vehicles also. She also believed the pictures from the presentation were not dated correctly and could have had conflict with the GPS and mapping. She discussed the conversation they had with the board members and did not agree with striking it from the record. They learned from all of their interactions with the woman on horseback and the board to have everything in writing and not in person. She believed the laughter she heard throughout the meeting was very disheartening.

Daymon Ely

Representative Ely called on behalf of Corrales farmers and stated he wanted the board to know he was waiting to hear from the estimate from PNM so he could help them with money. He said he was happy to help them get an estimate from PNM and get things moving. He wanted to make the board understand he was a partner and wanted to help them and help farmers.

Jason Casuga stated it was worth noting that Representative Ely had been in contact with him, and they are waiting on PNM. He said that so far PNM had only communicated verbally and noncommittal. The District wants to make sure they hit the right number and have something in writing from them.

Richard Salas

Mr. Salas, a Valencia County resident, stated that he wanted to document trespassing issues that had occurred in the area where he lives. He said the trespassing posed a real safety concern with a high risk of people being hit by vehicles. He said three cars ended up in the ditch by his house last summer and he notified MRGCD with pictures and nothing has happened. He said as recent as Wednesday, October 5, he sent a message to the board stating there were two vehicles stuck in the mud on the ditch and told them it would be a good opportunity to actually cite people for trespassing but received no response. Mr. Salas stated there was also a drug and other criminal activity problem on the ditch and that they had worked with law enforcement to identify suspicious activity on the ditch. He stated that he has sent over 100 photos in the last three months to the MRGCD. He quoted a New Mexico state statute and felt a responsibility to report and document these trespassing issues to the Board.

Madam Chair Russo Baca stated she would reach out to Mr. Salas after the meeting to discuss.

Ian Colburn

Mr. Colburn, owner of a small business in Albuquerque, started by saying that he appreciated that they made the meeting a hybrid event, but it would be helpful to either have video where they could actually see who was talking or at least have the board members state their name when talking so they can know who they are hearing from. He supported Ashokra Farms. He stated that on MRGCD's website they said their mission was to support and assist irrigators and keep the valley green. He said Ashokra Farms leaving the area would make it less green. He encouraged the board to revisit the gate policy. Mr. Colburn said that while the presentation sounded thoughtful, he felt there was underlying antagonism and didn't sound very cooperative. He felt that by not upholding the appeal, the MRGCD is not following through with their mission.

Benjamin Bartley

Mr. Bartley commented on the Ashokra Farms appeal. He said that while the investigation report was fact based, with limited facts, and interpretation of what occurred. He said what they investigated seemed to be very focused on existing policies, but the letter Ashokra Farms sent framed their inquires around policy and standard practice. He felt the Board could also consider whether a new policy should be implemented and that they could access the need for anti-racism training. He said it was disappointing that the board was striking what they called unsubstantiated claims.

Alicia Robinson-Welsh

Alicia Robinson-Welsh stated that they stood in full support with Ashokra Farm and the issues the farm raised. They believed the actions by the Board were discriminatory against the members of Ashokra Farm and the decision to deny the permit. They said the laughter heard was insulting and showed a lack of respect also.

Angela Sylvestre

Ms. Sylvestre discussed the various conversations regarding this request and in today's meeting felt the laughter heard was harmful. She asked when they bollards were removed and wanted the dates they were removed. She said she thought it was very suspect that the obstruction to the entrance were put back precisely on the heels of the complaint from the woman on horseback and felt that the MRGCD was appeasing her at the cost of a reasonable access request made by Ashokra farm.

Lee Gamelsky

Mr. Gamelsky, Vice President of the Los Duranes Neighborhood Association, stated that many of their residents use the east bank of the Albuquerque (Riverside) Drain to walk, jog, and horseback ride. He said they were concerned about traffic and pedestrian conflicts along the ditch bank. He stated he pointed out to Mr. Casuga that there was public access from the public road, Gabaldon Road to the east of the property. He said they supported the denial of the appeal. He also added that Ashokra Farm never reached out to the Los Duranes Neighborhood Association. Lastly, made a request that public comment should be taken before a vote on each item in future meetings.

Rudy Perea

Mr. Perea, a Corrales farmer, stated it had been a very rough year. He did not understand why putting in a new system was taking so long and was more expensive than just replacing the pipe. He stated they used to get more water from the broken siphon than they do now. He suggested putting in more pumps.

Anthony Wagner

Mr. Wagner, representing Wagner Farms, affirmed what Rep. Ely stated. He said like Mr. Perea, it had been a rough year for them also. He said they planted about 40 acres but only have about 800 apple trees in Corrales. They also have other crops and have lost much in the beginning of the season. He felt the pumps were not doing the job only watering once a month. He said they at least needed to be watered every two weeks to maintain their crops. He said they would like to see something done by the next irrigation season. He thought if they could get the electrical pumps going then maybe they could get back to a two week cycle at some point; suggested an additional pump at Romero Lane may help.

Glen Duggins

Director Duggins, a farmer and board member, appreciates all sized farms and stated it was never his intention to belittle or make fun of anyone. He said he knew how fencing and had been doing it since he was a kid.

He continued stating they had a great time at the New Mexico Chile Taste-Off in Socorro. He said they had rain issues; fireworks were cancelled but overall was a very good event. He stated Speir Farm from Deming, NM, won in the green chile contest and Rosales Farm from Escondida, NM, won in the red chile category. He stands behind the New Mexico certified chile emblem. He thanked the District doing a job well done and is proud to be on the Board.

Dr. DuMars stated that he was on the phone with the Imperial Irrigation District president, who stated that the temperature was now below 100° and would like to have Director Duggins and other members of the board to come and visit and see their operation. Dr. DuMars said if they are interested, he would be glad to make the arrangements.

Ash Abeyta

Ms. Abeyta mentioned a public comment from another person on the call about asking them to put up a gate for three months. She was astonished considering they put up a gate to block their access within a week. She also responded to the comment made by the Vice President of the Los Duranes Neighborhood Association, saying they did not reach out to them because of the aggression shown by the woman on horseback.

John Kelly

Director Kelly requested a short break and briefly mentioned his trip to the Tularosa Ditch Community. He said their system went in back in the 1800s and MRGCD should be thankful for the facilities they have and the people they have had maintaining them to keep delivering water.

Chair Russo Baca gave a five minute break at 5:07pm.

Chair Russo Baca reconvened the meeting at 5:17 pm. Director Sandoval did have to leave due to the San Felipe Pueblo restrictions.

AGENDA ITEM NO. 7 - REPORT(S) FROM THE HUMAN RESOURCES DEPARTMENT**a. Introduction of MRGCD New Hires - Christine L. Nardi, MBA**

Christine Nardi announced the new hires and promotions.



Memorandum

To: MRGCD Chair Russo Baca and Board of Directors
 Through: Jason M. Casuga, Chief Engineer/CEO
 From: Human Resources
 Date: October 10, 2022
 Re: Introduction of New Hires and Promotions

General Office

| | | | |
|-------|-------|------------|------------------|
| LIDIA | ROSAS | ACCOUNTANT | 10/3/22 NEW HIRE |
|-------|-------|------------|------------------|

Albuquerque Division

| | | | |
|---------|-----------|---------------------------|----------------------|
| CALIAH | KAYE | DIVISION CLERK | 10/3/2022 NEW HIRE |
| WILLIAM | GARCIA | LIGHT EQUIPMENT OPERATOR | 10/17/2022 PROMOTION |
| JOSE | CARO | MEDIUM EQUIPMENT OPERATOR | 10/17/22 PROMOTION |
| RUEBEN | GUTIERREZ | MEDIUM EQUIPMENT OPERATOR | 10/17/22 PROMOTION |

Belen Division

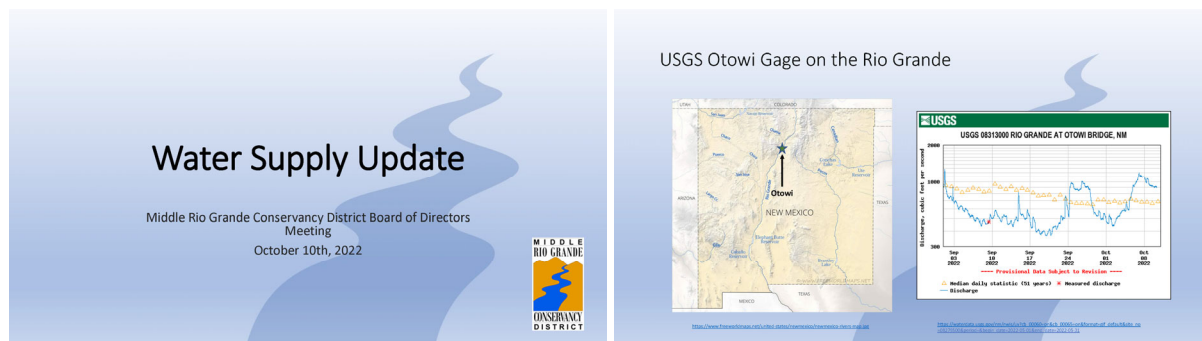
| | | | |
|--------|---------|---------------------------|---------------------|
| JOSEPH | BARELA | MEDIUM EQUIPMENT OPERATOR | 10/3/2022 PROMOTION |
| JAIRO | GARCIA | MEDIUM EQUIPMENT OPERATOR | 10/3/2022 PROMOTION |
| MARCOS | GRIEGO | MEDIUM EQUIPMENT OPERATOR | 10/3/2022 PROMOTION |
| CODY | MATHEWS | MEDIUM EQUIPMENT OPERATOR | 10/3/2022 PROMOTION |

Director Kelly asked about the vacancy rate. Ms. Nardi stated the vacancy rate was hovering at around 14% with the greatest vacancy rate in the Belen Division.

AGENDA ITEM NO. 8 - UPDATE ON THE 2022 IRRIGATION SEASON

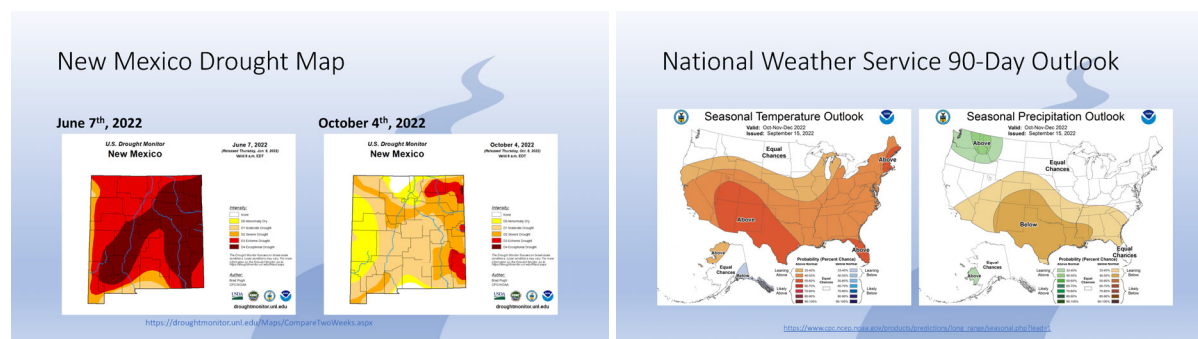
a. Report on Water Supply Conditions - Anne Marken, Water Ops Division Manager

Anne Marken said that some of the monsoons managed to bail them out many times during the irrigation season, but much of September was dry.



She said the Otowi Gauge was covering inflows to the Middle Valley from both river systems. She said they saw a tapering of inflows at the Otowi Gauge in September but then rose again around October 4th. She said the river channel did dry in the San Acacia and Isleta Reaches in September, but rains around the 25th reconnected the channel and was still continuous to Elephant Butte. Ms. Marken expressed that MRGCD received just under 13,000 acre feet this year which made the 2022 San Juan Chama allocation about 60% of the full allocation. She said currently, MRGCD had about 2,000 acre feet of San Juan Chama water in storage and did

not plan on releasing the water due to current conditions. She said the Rio Grande in Colorado planned to end irrigation season on November 1st and would shift to storing water in their pre-compact reservoirs, which would scrape about 100 CFS off of river flows. She said there was some hope that New Mexico's debt to Texas would not grow by much for the 2022 calendar year. She said in four months, New Mexico had gone from 90% of the state being in exceptional drought to just over 7%.



Ms. Marken stated that the National Weather Service's 90-day outlook predicted above average temperatures and below average precipitation for the rest of the calendar year. She said they should start praying for snow now.

Mr. Casuga added that on his tour to the San Juan Chama Project, the Azotea Tunnel was flowing. He said it was worth noting that the watershed was not starting out as parched as it started last year.

Director Kelly asked if they were planning to dump the P&P water out of El Vado for the spawning of brown trout and other reasons like they did the year previous. Ms. Marken stated there would be meeting with water management agencies in the next week to discuss the rate and the time of when to move water down.

Ms. Marken announced that the MRGCD's gauge schematic also changed as the old one did not meet the Bureau of Reclamation's standards. They had to build a new one which is very similar to the old one, but the website path has changed. If anyone was having a difficult time, they could reach out to her at any time. She also mentioned they are building one that's GIS based and would be up and running by the next irrigation season.

Dr. DuMars added that along the Colorado they have had a tremendous amount of rain and would have a massive effect on the movement of water throughout the basin.

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

Matt Martinez stated that after a wet month in August, dry conditions continued for most of September, but significant rainfall returned and provided a boost to their diversions. He said they did okay sustaining water deliveries through rotations and helped the demand of the month that was low. He said that in anticipation of the heavy rain last week, operations were suspended out of precaution in sensitive areas. He stated that the Garcia Extension needed more work before they could run again, but crews were working hard and hopefully would get it going that week. He thanked the ISOs and supervisors for taking necessary precautions and monitoring and addressing issues. He said he had heard reports of guys sleeping at some trouble spots to make sure they could be notified, if needed. He said any irrigators that were

impacted by the recent suspension of operation should contact their ISOs to reschedule. He said water was currently available to those who need it. Mr. Martinez also said a winter work list was being compiled to address any maintenance or repair needs. He discussed they currently had two ISO vacancies, but the number would increase with impending retirements, so the top priority would be to fill those as soon as possible. He reminded that the irrigation season would continue until October 31, 2022.

Jason Casuga reminded the public and board that they were deep into needing to share water at times during this year. He said the District was implementing an apportioned share of water based on acreage. He said that regardless of the infrastructure stance, they still have to have water to deliver, and they have to have it in enough volume to move it through the system. He said even if they have their infrastructure in the best of care, the drought may indicate the availability of water and frequency. He said he believed that Matt (Martinez) and Anne (Marken) working together had guided them through a very difficult irrigation season and their work was tremendous, including all the staff. He said, however, they had a long way to go in teaching constituents about the expanding and contracting nature of the hydrologic reality and the importance of getting compact compliance so they could store water in El Vado.

Vice Chair Dunning said she got the impression that Corrales believed if they got the pumps working that they're going to get irrigation deliveries every two weeks for their apple orchards. She believed they needed to work with them because she was worried about the representative thinking they gave money but didn't solve the problem, because the problem was bigger than just the broken siphon.

The Vice Chair then asked if the pueblos asked for an extended irrigation season whether or not there would be enough water. Mr. Casuga stated that historically they request extensions and believed that there would be enough water. He said he did not foresee their water usage from November 1 to November 15 would be smaller than irrigation deliveries and primary for cultural activities. They did not anticipate that being an issue.

Matt Martinez added that they made a verbal request to extend beyond October 31st, and staff requested that they provide a letter of request for a formal extension, which they agreed to.

Mr. Casuga stated that the first place drought starts is from a snowpack standpoint, so many times when talking about drought, he is looking from both spring runoff and monsoon.

AGENDA ITEM NO. 9 - REPORT(S) FROM THE DEPARTMENT OF INTERIOR

- a. Bureau of Reclamation - Jennifer Faler, Area Manager
- b. Bureau of Indian Affairs - Sandra Lucero, BIA/SWRO/Water Resources

As today's meeting was held on a federal holiday, Indigenous Peoples Day, the Board approved for this item to be removed. The Bureau of Reclamation notes were provided as shown:

MRGCD BOARD MEETING (10-10-22)

1. Heron Summary

Content = 47,305 ac-ft (10/7)
 Azotea tunnel: 70-100 cfs
 Total SJC inflow year-to-date: 66,737 ac-ft
 Currently releasing: 0 cfs
 Current MRGCD storage: 2,173 ac-ft
2. El Vado Summary
 - A. Total storage (all contractors and natural) in El Vado as of 10/7: 2,002 ac-ft
 - B. Native in El Vado: 286 ac-ft
 - C. MRGCD's SJ-C storage in El Vado: 0 ac-ft
 - D. P & P: 1,716 ac-ft
 - E. EDWA: 0 ac-ft
 - F. All other SJ-C contractors: 0 ac-ft

Current release is 94 cfs RG Inflow is 60-150 cfs
3. Storage in Abiquiu

Content: 124,024 ac-ft (10/7)
 MRGCD's SJ-C storage: 37 ac-ft

Total water released for minnow to date in 2022: 6,337 ac-ft

AGENDA ITEM NO. 10 - REPORT(S) FROM THE SECRETARY-TREASURER/CFO - Pamela Fanelli, CMA, CGFM

a. Report on FY23 First Quarter Financials - Pam Fanelli, CFO and the Report on the Finance Committee Meeting, October 10, 2022 - Directors Kelly, Dunning, and Barbara Baca

Director Kelly stated that he and the Finance Committee met with Pam (Fanelli). They reviewed their budget's first quarter which was a good exercise to go through, but he felt that you don't find out much because the season has just started. He believed they were going to have trouble with vehicle O&M in their budget, because of the rising gas and diesel prices. He said the Board had made the decision to review and accept the first quarterly financial statements even though the state only required the fourth quarter financials to be sent to them.

Director Kelly made the **MOTION TO ACCEPT THE FY23 FIRST QUARTER FINANCIAL STATEMENTS AS PRESENTED.** Seconded by Vice Chair Dunning. The **MOTION CARRIED UNANIMOUSLY.**

Director Duggins asked what they paid for gopher tails. Ms. Fanelli replied that it's \$3 per tail and have written checks up to \$1,000. He suggested raising the price.

Director Kelly stated that was not a budgeted item and something that was buried in their own standard practices. He said they might eliminate the failure sources on their canals by removing more gophers, maybe they should look at that. Madam Chair Russo Baca agreed; asked the staff to review.

| Middle Rio Grande Conservancy District | | | | | | | |
|--|---|---------------|--------------|-----------------------|------------------------|--------------|---------------|
| BALANCE SHEET | | | | | | | |
| Fiscal Year 2023 | | | | | | | |
| September 30, 2022 | | | | | | | |
| (Unaudited) | | | | | | | |
| | Governmental Funds | | | GW Funds | | | |
| | Fund 01 | Fund 04 | Fund 02 | Fund 03 | Fund 06 | | |
| | General Fund | LT Assets | Fixed Assets | Long Term Liabilities | LT Liabilities Pension | | Total |
| ASSETS | | | | | | | |
| 1 | Cash, investments and accrued interest | \$ 691,910 | \$ - | \$ - | \$ - | \$ - | 691,910 |
| 2 | Investments with LGIP | 6,792,978 | 7,226,509 | - | - | - | 14,019,487 |
| | Investments with US Bank | 2,992,153 | - | - | - | - | 2,992,153 |
| | Investments with SIC | - | - | - | - | - | - |
| 3 | Restricted Cash | | | | | | |
| 5 | Cash held in investments with LGIP | 2,665,731 | 1,066,586 | - | - | - | 3,732,317 |
| 6 | Cash held for others | - | 487,392 | - | - | - | 487,392 |
| 4 | Cash with fiscal agents held for debt service | 1,519,300 | - | - | - | - | 1,519,300 |
| 7 | Taxes receivable, net of allowance for uncollectible | 2,343,559 | - | - | - | - | 2,343,559 |
| 8 | Other receivables, net of allowance for uncollectible | 9,077 | - | - | - | - | 9,077 |
| | Investment Receivable | 3,566 | - | - | - | - | 3,566 |
| 9 | Due from other governments | 236,584 | - | - | - | - | 236,584 |
| 10 | Due from other funds | - | 250 | - | - | - | 250 |
| 11 | Inventories | 1,013,239 | - | - | - | - | 1,013,239 |
| 12 | Prepaid items | 5,049 | - | - | - | - | 5,049 |
| 13 | Total current assets | 18,273,146 | 8,780,737 | - | - | - | 27,053,883 |
| Long Term Assets | | | | | | | |
| 14 | Capital Assets, net of accumulated depreciation | - | - | 29,848,229 | - | - | 29,848,229 |
| 15 | Right to use asset, net of accumulated depreciation | - | - | 19,701 | - | - | 19,701 |
| | Total long term assets | - | - | 29,867,930 | - | - | 29,867,930 |
| 16 | Total assets | 18,273,146 | 8,780,737 | 29,867,930 | - | - | 56,921,813 |
| DEFERRED OUTFLOWS OF RESOURCES | | | | | | | |
| 17 | Deferred outflow of resources related to OPEB | - | - | - | 1,606,599 | - | 1,606,599 |
| 18 | Deferred outflow of resources related to pensions | - | - | - | - | 1,470,807 | 1,470,807 |
| 20 | Total deferred outflows | - | - | - | 1,606,599 | 1,470,807 | 3,077,406 |
| 21 | TOTAL ASSETS & DEFERRED OUTFLOWS | \$ 18,273,146 | \$ 8,780,737 | \$ 29,867,930 | \$ 1,606,599 | \$ 1,470,807 | \$ 59,999,219 |
| CURRENT LIABILITIES | | | | | | | |
| 22 | Accounts payable | - | - | - | - | - | - |
| 23 | Other liabilities | 32,400 | - | - | - | - | 32,400 |
| 24 | Payroll liabilities | 254,350 | - | - | - | - | 254,350 |
| 25 | Accrued employee compensation and benefits | - | - | - | - | - | - |
| 26 | Accrued compensated absences, current portion | - | - | - | 686,567 | - | 686,567 |
| 27 | Due to Other Governments | - | 487,392 | - | - | - | 487,392 |
| 28 | Due to other Funds | 250 | - | - | - | - | 250 |
| 29 | Notes Payable, Current Portion | - | - | - | 352,142 | - | 352,142 |
| 30 | Total current liabilities | 287,000 | 487,392 | - | 1,038,709 | - | 1,813,101 |
| NON-CURRENT LIABILITIES | | | | | | | |
| 31 | Notes Payable, long term portion | - | - | - | 1,917,677 | - | 1,917,677 |
| 32 | Accrued compensated absences, net of current portion | - | - | - | 487,387 | - | 487,387 |
| 33 | Settlement Agreement Liability | - | - | - | 630,173 | - | 630,173 |
| 34 | Net Pension Liability | - | - | - | - | 11,204,514 | 11,204,514 |
| 35 | Net OPEB Liability | - | - | - | 7,125,506 | - | 7,125,506 |
| 36 | Total non-current liabilities | - | - | - | 10,160,743 | 11,204,514 | 21,365,257 |
| 37 | Total Liabilities | 287,000 | 487,392 | - | 11,199,452 | 11,204,514 | 23,178,358 |
| DEFERRED INFLOWS OF RESOURCES | | | | | | | |
| 38 | Unavailable revenue - Ad Valorem | - | - | - | - | - | - |
| 40 | Unavailable revenue - Water Service Charges | 2,295,060 | - | - | - | - | 2,295,060 |
| 41 | Deferred Inflow of resources - OPEB | - | - | - | 2,298,672 | - | 2,298,672 |
| 42 | Deferred Inflow of resources - Pension | - | - | - | - | 4,745,848 | 4,745,848 |
| 43 | Total deferred inflows of resources | 2,295,060 | - | - | 2,298,672 | 4,745,848 | 9,339,580 |
| FUND BALANCES | | | | | | | |
| 45 | Unassigned | 20,129,006 | 8,289,988 | 30,136,545 | (11,891,525) | (14,479,555) | 32,184,459 |
| 46 | Current Year Rev Expenses | (4,437,920) | 3,357 | (268,615) | - | - | (4,703,178) |
| 47 | Total fund balances | 15,691,086 | 8,293,345 | 29,867,930 | (11,891,525) | (14,479,555) | 27,481,281 |
| TOTAL LIABILITIES, DEFERRED INFLOWS, & FUND BALANCES | | | | | | | |
| 48 | BALANCES | \$ 18,273,146 | \$ 8,780,737 | \$ 29,867,930 | \$ 1,606,599 | \$ 1,470,807 | \$ 59,999,219 |

AGENDA ITEM NO. 11 - REPORT(S) FROM THE CHIEF ENGINEER - Jason M. Casuga, PE

a. Consideration/Approval of Resolution #M-10-10-22-194 Authorization to Loan the Village of Los Ranchos Funds received through the NM Environment Department (NMED) Construction Programs Bureau (CPB) for Improving Water Efficiency Measures - Jason M. Casuga CE/CEO and Gabriella Coughlin, Soil Scientist/Agronomist

Mr. Casuga stated the resolution that was before them to review and consider last month and were now bringing it back for their consideration and approval. He stated that Amendment 3 was in the packet and was signed by him on August 26, 2022, for the extension of time for the current NMED (NM Environmental Department) loan. He said they thought this was a low risk way to explore the loan program and potential processes to be able to make money available to farmers for improving their facilities.

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

**AUTHORIZATION TO LOAN THE VILLAGE OF LOS RANCHOS FUNDS RECEIVED
THROUGH THE NMED CPB FOR IMPROVING WATER EFFICIENCY MEASURES**

M-10-10-22-194

WHEREAS, *The Middle Rio Grande Conservancy District* ("District") entered into a loan agreement with the New Mexico Environment Department (NMED) for the purpose of obtaining project loan funds in the principal amount of \$500,000 in July of 2019 approved by the Board of Directors in resolution M-07-22-19-159.1; and

WHEREAS, the District has received a modification of the loan that reduced the interest amount of the loan to the District and an extension of the timeline to lend the funds until June 30, 2024; and

WHEREAS, The District agreed to pledge net revenues derived from water service charges and ad valorem assessment; and

WHEREAS, The District desires to lend the funds to the Village of Los Ranchos ("Village") in the amount of \$500,000 at 2% interest for a period of 10 years; and

WHEREAS, the project scope is identified in the loan agreement between the District and the Village that is a part of this resolution;

NOW, THEREFORE, BE IT RESOLVED that the loan agreement between the District and the Village is approved by the Board of Directors.

PASSED, APPROVED AND ADOPTED this 10th day of October 2022.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

Vice Chair Dunning said she received a comment asking what the plan was by one of the trustees. She said the answer was that they were going to come up with a plan and she defended it because it was a plan to how to improve water efficiency and something the District is good at. She said she believed the confusion was that normally in governments, they had to spend as much money on plans as they did on the implementation.

Ms. Coughlin added that the Village of Los Ranchos met and voted after the last board meeting, she was able to provide some background on the loan program. She said the agricultural program manager for the village took the Board of Trustees and showed them the plan they had referenced and then went ahead and approved their signing of the loan program and project.

Director Kelly asked how long the fields would lay fallow while the work was being done. Ms. Coughlin stated that the goal was to have construction completed before the start of the next irrigation season, to the field would come out of fallow for the next irrigation season. She also said the village had put aside \$100,000 to begin work before the loan was approved, so they had already began getting quotes and contractors put together for removal of trees, and concrete, and other things.

Madam Chair Russo Baca made the **MOTION TO APPROVE THE AUTHORIZATION TO LOAN THE LOS RANCHOS FUNDS RECEIVED THROUGH THE NMED CPB FOR IMPROVING WATER EFFICIENCY MEASURES #M-10-10-22-194**. Director Kelly seconded the motion. The **MOTION CARRIED UNANIMOUSLY**.

- b. Report on the NM Water Law Conference, September 29-30, 2022 - Eric Zamora, COO, Marie VanDerGeest, Engineer II, Alicia Lopez, Engineering & Mapping Manager, Francesca Shirley, License & Land Sales Supervisor, Chair Russo Baca, Directors Sandoval, Barbara Baca, and Joaquin Baca.**

Mr. Casuga asked Francesca Shirley to provide her thoughts and report. Ms. Shirley thanked the board for sending her and staff to the CLE International Water Law Conference. She said she appreciated the opportunity to always broaden their education. She said it was a two day

conference focused on different current legal issues and case law that impacted New Mexico water managers. She said they talked on how the 50-year water plan impacted their soils, future fire predictions, and precipitation events.

Director Kelly inquired about ABCWUA. Madam Chair Russo Baca also attended and shared that they calculated the numbers as well as the per capita of use and it was much less than she thought it would be. Jason Casuga added that he's had conversations with Liz (Anderson) and her staff about the importance of storing water and the benefit to the ABCWUA (Albuquerque Bernalillo County Water Utility Authority).

Madam Chair Russo Baca felt it was a great report and really appreciated the MRGCD being there and seeing a different lens about water law. She said there was interesting topics and things they don't usually get to see all the time.

Director Barbara Baca stated that it was not her field of profession. She really appreciated going and felt it was a good opportunity for networking.

Ms. Shirley ended that one interesting topic was a fallowing presentation and was a good reminder that we can all learn from each other.

Madam Chair Russo Baca made the **MOTION TO APPROVE THE REPORT ON THE NM WATER LAW CONFERENCE**. Seconded by Vice Chair Dunning. The **MOTION CARRIED**.

c. Report on the San Juan Chama Contractors Association Meeting, September 15-16, 2022 - Jason M. Casuga, CE/CEO and Pamela Fanelli, CFO

Jason Casuga reported that he and Ms. Fanelli attended the meeting which was in Santa Fe. They had different topics, but one was looking at projections and historical use of the San Juan Chama. He said the City of Santa Fe made a graphical form of average annual allocations and talked much about fire. He said they had some great presentations from BOR and others about programs for fire management. He said the next day they were able to go to the Santa Fe Watershed Basin that was closed to the public. He said the area was really untouched and beautiful but was taken aback that so much land was kept from folks but understood why they did it due to fire danger.

Vice Chair Dunning asked since they started making payments to El Vado Dam could they legally ask the San Juan contractors to pay the District more money because it costs so much to be able to continue. Jason Casuga replied it was a little different. He said the contractors are full partners on what they pay for O&M of the San Juan Chama Project. He said from an El Vado standpoint, the District and the native water storage, they pay El Vado and don't have any plans to expand that because the MRGCD is the beneficiary.

Dr. DuMars stated that it had to do with the fact that they were now at 60% of San Juan Chama deliveries, which was a huge drop from 100% and that means the San Juan Chama contractors will want to get together to distribute those losses. He felt that will bring the group closer together.

d. Update on the San Juan Chama Project Tour, October 4-6, 2022 - Jason M. Casuga, CE/CEO

Mr. Casuga said he attended a separate tour by the ISC (Interstate Stream Commission) for San Juan Chama Project contractors. The purpose was to connect people to how the San Juan Chama Project waters were used for the benefit of individual missions. He said they went into the project area, visited some of the O&M that's going on and had the opportunity to visit El Vado because that's where MRGCD stores its San Juan Chama water. He said they also visited lower San Juan, the Animas-La Plata. He found that very beneficial to his education because he's spent most of his time studying where he works and not necessarily how the water progressed down. Networking and getting to spend time with the deputy regional director as well as other staff.

e. Discussion on MRGCD's 100th Anniversary Celebration in August 2025 - Jason M. Casuga, CE/CEO.

Jason Casuga reported that the Articles of Incorporation were filed in August 1925 saying that the anniversary of the actual passing of the Conservancy Act is nearing in 2023. This prompted a conversation and request direction on this topic.

Director Joaquin Baca discussed Emlen Hall's book and said there were some protests on the date. He researched all the paperwork and articles and found it to be fascinating history, and the challenges that took place and that the District was created in 1923. He felt that should be part of the celebration whether it's a two year celebration or one at the end of next year.

Director Kelly shared when the flood control agency had their fortieth anniversary, they looked at the date of passage of the legislation as the birth of the agency. He felt the birthday was when the legislation was passed. He supports starting in August or next summer.

Jason Casuga stated he's out of special project managers. He said one of his concerns was they're doing everything they can to try to ensure they have an election that goes off without a hitch and there would be a tremendous amount of staff time poured in to make sure their first delivery of roles for the election was due May 15th and would have to update that every 30 days after that. He said if they were going to celebrate it, he would rather do it later in the season after they've done the heavy lifting for the election.

Yasmeen Najma considered maybe having a party in 2023, but that there would be many opportunities to have events and exhibits associated with the 100 year anniversary. She requested having a whole year of events and exhibits all around the District. Question is when to start planning and how much time to do so. She volunteered to help with the ideas or planning if Mr. Casuga agreed.

Madam Chair commented that the Conservancy Act was passed but did not mean that MRGCD was named as the MRGCD. There are other conservancy districts within the state of New Mexico.

Director Barbara Baca said there was real value of telling the story, the Conservancy Act was passed in 1923 and why they did not get their birth certificate until 1925. She said since it would happen when the Local Election Act was coming up, it would give them another opportunity to educate the public about what MRGCD is because many people still believe they are MRCOG (Mid-region Counsel of Governments).

Dr. DuMars felt there's much value in Em Hall's book. It has much history that can be used to promote the entire process. The Chair said she will lobby the Utton Center to promote an event.

Jason Casuga reported that the Board had reached a consensus to have a planning meeting and a team will be determined soon.

f. Upcoming events

1. NM Watershed & Dam Owners Coalition, Isleta Resort & Casino, October 12-14, 2022
2. 67th Annual NM Water Conference, Las Cruces Convention Center and Online, October 26-29, 2022
3. National Latino Farmers and Ranchers Congress, Isleta Resort & Casino, October 27-19, 2022
4. Rio Grande Agricultural Land Trust 25th Anniversary Celebration, Cinco Estrella Chile Farm, November 5, 2022

Discussion was had on the above upcoming events. Jason Casuga said they received eight spots to attend the RGALT anniversary dinner, and that he and his wife would have two of them. He stated that if anyone else wanted to go, to email him and he will submit the list.

AGENDA ITEM NO. 12 - REPORT(S) FROM THE MRGCD Attorney(s) - Chief Water Counsel or General Counsel

Dr. DuMars stated that the Wild Earth Guardians would be filing suit on November 6th, because they were running up against statute of limitations and intended to file suit against the BOR, US Fish and Wildlife, and other federal agencies. He stated they would have to intervene as a real party of interest. He said they also had moved toward exchanging settlement drafts with ABCWUA but hopeful they could move forward with them to get storage in ABCWUA. Lastly, they also would be receiving a brief soon from the Wild Earth Guardians who were challenging their ability to ask the State Engineer to grant us a retroactive extension of time. He added they had a student from University of Oregon who worked with them last summer to do a draft memo.

Jason Casuga clarified the ABCWUA topic was related to their protest of MRGCD temporarily permit to store 40,000 acre feet at Abiquiu; approved by the State Engineer.

Lorna Wiggins stated that the fourth trial judge on the Nancy Aragon v. MRGCD case set trial for January 2024. Opposing counsel, Tibo Chavez, informed the court that the District has a history of settling everything.

AGENDA ITEM NO. 13 - REPORT(S) FROM THE BOARD

- a. Report on the Meeting with Niagara Bottling Regarding Los Lunas Project, September 14, 2022 - Chair Russo Baca**

Madam Chair Russo Baca and Jason Casuga were present at the meeting. The Chair stated they gave a nice PowerPoint presentation about their facility in Los Lunas. She said she asked some tough questions, especially on how much water they used, to which they answered roughly 250 acre feet per year. She said she also asked if there was help with on farm efficiency programs to help with offsetting their use for the river. It's not MRGCD's position that they do necessarily need to make an offset. As they are pumping water, she felt as hydrologically connected to the surface water that they have transferred PNM water rights to Valencia County within the same Rio Grande Basin. She thought maybe they could do some additional things for the community like help with on farm efficiency programs to help offset their pumping use. She felt it would be a great gesture on their part for the agriculture community.

b. Report on the Legislative Committee Meeting, September 15, 2022 - Chair Russo Baca and Directors Joaquin Baca and Barbara Baca

Director Barbara Baca said that it was a work in progress and would continue to report back. She said they had a follow up meeting with the Secretary of State on Wednesday, She said they talked about trying to set up a working meeting with the Legislative Committee and shooting for the first week of November regarding redistricting.

Vice Chair Dunning said when talking about redistricting, she said that was something legislature would pass and was appropriate for the Legislative Committee. She believed it would be more appropriate to have the Election Committee handle this and also pointed out that it would be a conflict of interest for people who are running in the upcoming election.

c. Report on the Valencia County Soil and Water Conservation District Board Meeting, September 27, 2022 - Chair Russo Baca

Madam Chair Russo Baca stated she had been keeping an ear on the meetings as Gabriella Coughlin normally presents at these. She said they are like the fiscal agent for the New Mexico Health Soils Program so growers were using it. She said there were many ongoing projects with the Valencia County Soil and Water Conservation District that landowners who pay ad valorem tax within the MRGCD benefited area could take advantage. They wanted to make it clear to go to your Soil and Water Conservation District and ask for assistance if looking for funds for things like that.

d. Report on the Conservation Advisory Committee Meeting - September 29, 2022 - Chair Russo Baca

Madam Chair Russo Baca attended virtually and stated they were talking about next year's environmental leasing/fallowing program. She said she would like to see Yasmeen (Najmi) and Casey (Ish) reach out to the growers who were going to be possibly using the fallowing program next year but still maybe want to do a winter wheat for a partial season.

Jason Casuga stated he thought it was worthwhile adding that as a topic with the Irrigation Committee on because they plan on bringing the environmental leasing program and parameters for it for the next year to the November board meeting.

Madam Chair Russo said another item that was brought up was the Aquifer Storage Recovery Program that Casey (Ish) received a grant to continue working on. She gave kudos to staff for the grants.

Vice Chair Dunning asked about cost share, which she felt was important because it sounded like people getting on farm efficiency and turn around and sell their property. It would be important that the buyer be an irrigator also. Madam Chair Russo Baca said she agreed and that was something that Yasmeen (Najmi) and Casey (Ish) brought up in the Irrigation Committee meeting.

Jason said he had talked with Casey (Ish) about it and the expectation was he did not see how to recommend a program that did not have a cost share because it was very dicey at that point in time. He said he thought it would open them up to a difficult situation, so he did believe the recommendation to bring forward some type of cost share was the expectation. He said they were concerned about wasting the money by improving the property only to have it developed beyond ag after they had invested in it.

Dr. DuMars added that it was important whether or not the fallowing generated any water for the river, because if the property was fallowed at the very beginning of the ditch and would immediately convert that and that water would go back into the river. He said it would be quite different if the property is at the very of the ditch as opposed to the beginning.

Jason Casuga stated they were also talking about and was one of the significant issues with trying to put the state's money on the ground. He said there had been talks of how you actually show that benefit to the state. He said he does thing one is using the Environmental Leasing Program and how they apportioned the water on an annualized basis and use of the Low Flow Conveyance Channel. He said it was hard to tell a farmer that fallowing would produce enough benefit to the Compact and taking the state's money.

e. Report on the Isleta Reach Stewardship Association at the Los Chavez Outfall Site, October 6, 2022 - Chair Russo Baca

The Chair discussed the Los Chavez Outfall clean-up earlier in the meeting.

f. Report on the Great NM Chile Taste-Off, October 8, 2022 - Chair Russo Baca, and Directors Glen Duggins, Barbara Baca and Joaquin Baca

Madam Chair Russo Baca thanked Yasmeen (Najmi) and Gabby (Coughlin) saying they did a fabulous job. She stated that even though it rained when she attended, there was a good turnout and that her son was enamored with all the heavy equipment.

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

With no further comments, questions, or concerns, Madam Chair Russo Baca adjourned the meeting at 6:42 pm.

Approved to be the correct Minutes of the Board of Directors of October 10, 2022.

ATTESTED:

Pamela Fanelli, CMA, CGFM
Secretary/Treasurer

Stephanie Russo Baca, Madam Chair
MRGCD Board of Directors