

**MINUTES OF THE  
2,202nd REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF THE  
MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

**AUGUST 14, 2023 - 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:

| <b>DIRECTORS</b>                  |         | <b>STAFF</b>   |                                  |
|-----------------------------------|---------|----------------|----------------------------------|
| Stephanie Russo Baca, Madam Chair | Present | Jason Casuga   | Chief Engineer/CEO               |
| Karen Dunning, Vice Chair         | Present | Lorna Wiggins  | General Counsel                  |
| Barbara Baca, Director            | Present | Lacy A. Daniel | Rep. for Chief Water Counsel     |
| John Kelly, Director              | Present | Pamela Fanelli | Secretary-Treasurer/CFO          |
| Joaquin Baca, Director            | Present | Eric Zamora    | Chief Operating Officer          |
| Glen Duggins, Director            | Absent  | Anne Marken    | Water Distribution Division Mgr. |
| Michael T. Sandoval, Director     | Present | Matt Martinez  | Water Operations Division Mgr.   |

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

|                             |                        |                               |
|-----------------------------|------------------------|-------------------------------|
| Chuck McCune                | James Sanchez          | Glen Selover, Wilson & Co.    |
| Don Simpson                 | Rudy Perea             | Jerry Montaño                 |
| Eli Lovato, AES             | Josh Gamboa, MRGCD     | Rhett Sanders-Spencer, MRGCD  |
| Estella Gamboa, MRGCD       | Tarah Jaramillo, MRGCD | John Thompson, MRGCD Lobbyist |
| Larissa Gordon              | Neal Hurley            | Anthony Wagner                |
| Lauren Hewitt, Utton Center | Amanda Molina, MRGCD   | Travis Day                    |
| Louie Tapia                 | Christine Nardi, MRGCD | Alicia Lopez, MRGCD           |
| Luke Smith, Wilson & Co.    | Casey Ish, MRGCD       | John Fleck                    |
| Michael Lundmark            | Jerome Cordova         | Carol Benavidez               |
| Patricia Tapia              | Judy McSweeney, MRGCD  | Ashley Veihl, MRGCD           |
| Ray Hartwell                | Richard DeLoia, MRGCD  | Gerald Latham                 |
| Santiago Maestas, SVRAA     | Tony Tafoya            | Darrick Chavez                |
| Wes Shrader                 | Troy Richardson        | Cindy Todd                    |

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

Louie Tapia led the Pledge of Allegiance at today's meeting.

Madam Chair Russo Baca declared a quorum, and the meeting was publicly noticed.

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

Vice Chair Dunning added item no. 4(c) on a discussion by the election committee and Madam Chair Russo Baca amended 15(e) as they did not meet after all.

Vice Chair Dunning made the **MOTION TO APPROVE THE MEETING AGENDA with the above changes**. Seconded by Director Kelly. The MOTION CARRIED UNANIMOUSLY.

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

- a. **Consideration/Approval of Payment Ratification - August 14, 2023**
- b. **Consideration/Approval of July 2023 Invoice for Wiggins, Williams & Wiggins**

- c. **Consideration/Approval of July 2023 Invoice for Law and Resource Planning Assoc.**
- d. **Consideration/Approval of the Minutes for the Regular Meeting Board Meeting - July 10, 2023**
- e. **Consideration/Approval of Contract Renewals for MRGCD Legal Counsel and Approval of the Contract for Year Four of a Four-Year Agreement**
  - 1. **Wiggins, Williams and Wiggins, PC, General Counsel**
  - 2. **Law and Resource Planning Associates, PC, Chief Water Counsel**
- f. **Memo on MRGCD Approved Licenses for July 2023 (For informational Purposes Only)**

Director Kelly asked a question regarding the maintenance of a junction box with Compass Engineering within the Arenal Main Canal. Jason Casuga said he would address that with Mr. Zamora and his team and get a written response for him.

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

**AGENDA ITEM NO. 4 - Report(s) from the Election Director - Eli Lovato, Automated Election Services**

**a. Announcement of Certified Candidates**

Mr. Lovato announced all certified candidates for the available positions for the upcoming election with their names appearing on the ballot as it appears on their declaration of candidacy and in the order drawn.

|  |
|--|
| <p style="text-align: center;"><b>POSITION NO. 1 – AT LARGE</b><br/>STEPHANIE A. RUSSO BACA<br/>JEROME CORDOVA</p>                 |
| <p style="text-align: center;"><b>POSITION NO. 2 – BERNALILLO COUNTY</b><br/>JOHN P. KELLY</p>                                     |
| <p style="text-align: center;"><b>POSITION NO. 5 – VALENCIA COUNTY</b><br/>CAROL BENAVIDEZ<br/>KIRSTEN COUEVAS<br/>BRIAN JIRON</p> |

He said no persons had filed the necessary paperwork to become a write-in candidate for the 2023 election and there would be no write in line in any District on the 2023 ballot.

**b. Update on the 2023 Polling Locations**

Mr. Lovato stated they were still waiting on the polling location within Los Ranchos. The suggestion for Los Ranchos Villa as a possible site for both early voting and election day was addressed with the committee. Mr. Casuga has placed a phone call with Bernalillo County. They were awaiting response for approval regarding their request.

**c. Discussion of Resolution Regarding Replacement of a Member of the Board of Directors Upon a Vacancy**

Vice Chair Dunning discussed a resolution that the election committee directed MRGCD legal counsel to come up with on having a replacement policy for if a board member resigned or passed away while in office. She stated there's no vacancy but wanted a policy in place for the future which would be voted on at the September meeting. She remembered three instances where a board member had to be replaced. In one, although she wasn't a board member at the time, she read in the minutes that there was nothing in place. It will give the public a chance to nominate themselves. A person doesn't have to know a Board member to nominate them. The District will let the public know, and if people wish to apply, they can. There will be a form with information they need to give. There's also information on what to do if there's a tie.

Director Kelly stated they needed to add a provision for the failure of any elected director to qualify to serve on the board. Lorna Wiggins stated that is mindful of the court ruling that someone may not be eligible to take the oath of office on the day they declare their candidacy, but by the time they're elected and actually here in this room, they might be eligible. That requires us to acknowledge that it may be, for example, if their civil rights are restored, they were not qualified at the time of their initial interest or declaration of candidacy, but they are in fact eligible to take the oath on that day.

Director Kelly asked to send the board members a copy of the form used by the Governors Board of Commissions for appointments to review before they took action. He also asked about breaking a tie. Ms. Wiggins answered the way state law reads, that it was up to the Board using a game of chance depending on the interests of the Board, you could either draw from a hat or coin toss. She said this is recognized in litigation that has followed a tie vote where the Supreme Court said yes. She felt either one of those mechanisms is appropriate.

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

**Michael Lundmark**

Mr. Lundmark, a Los Chavez farmer, expressed some concerns he had with the as needed process. He thanked everyone delivering water for doing the best job they could. He said he was doing more damage to his crops than productivity by having to over-irrigate. He suggested to get to a culture like other irrigation districts around the country by getting applications per acre and MRGCD tells the farmer when they need it.

**Rudy Perea**

Mr. Perea, from Corrales, asked if the grant would apply to the water siphon and asked if that was why it was delayed. He stated the electric pumps were better than gas, but it took water to make electricity, which made them use more water.

**Jerry Montaña**

Mr. Montaña, from Bosque, stated Feeder 3 was their main water source to irrigate and they were not getting any water. He said they also did not get enough from the arroyo. He stated

they needed more water in the High Line to come down to Feeder 3. Mr. Montañó expressed that it usually would take him six hours to irrigate normally, but it took him over 15 hours.

### **Santiago Maestas**

Mr. Maestas, representing the South Valley Regional Association of Acequias, said he's participated in the Conservation Advisory Committee for the last two years. He stated they wanted to make improvements to the Peralta Acequia. He said it took a long time to irrigate their fields. He's requested more information about long crested weirs and how much it would cost and how they could get one. He mentioned that Senator Padilla and Representative Andrés Romero expressed desire to provide capital outlay funding and he wanted to proceed with getting funding for engineering designs on a long crested weir irrigation delivery project on the Peralta Acequia.

### **Louie Tapia**

Mr. Tapia is a resident in the south valley and a small farm irrigator on the Peralta Acequia. He stated he really felt that if the Conservancy would get a long crested weir it would solve the problems and give everyone the same amount of water. He also noted that he did not believe he would be able to plant his permanent pasture in the fall.

### **Chuck McCune**

Mr. McCune is the president of the Don Andres Neighborhood Association, and he presented two certificates to recognize the ongoing contribution of the well-being of their neighborhood by MRGCD and specifically their ISO, Donald Montoya. Mr. Montoya was not present at today's meeting.

### **Tony Tafoya**

Mr. Tafoya thanked the Board, staff, and the Corrales ISO, Bobby Wagner, for their hard work on the Corrales pumping situation.

## **AGENDA ITEM NO. 6 - REPORT(S) FROM THE HUMAN RESOURCES DEPARTMENT - Christine L. Nardi, MBA**

### **a. Introduction of MRGCD New Hires**

Ms. Nardi announced MRGCD new hires and title changes. She stated the vacancy rate was 8.7%.

Josh Gamboa, the new controller, gave a brief background. Amanda Molina, the new Public Information Officer, also gave an introduction.

**Cochiti Division**

|          |           |                              |            |
|----------|-----------|------------------------------|------------|
| LAWRENCE | GARCIA    | FIELD MAINTENANCE TECHNICIAN | 07/10/2023 |
| JOSE     | RODRIGUEZ | HEAVY EQUIPMENT OPERATOR     | 08/21/2023 |

**Albuquerque Division**

|        |         |   |                      |
|--------|---------|---|----------------------|
| DONALD | MONTOYA | CONSTRUCTION AND MAINTENANCE SUPERVISOR | 07/24/2023 PROMOTION |
|--------|---------|---|----------------------|

**Belen Division**

|        |     |                              |            |
|--------|-----|------------------------------|------------|
| JOSIAH | LEE | FIELD MAINTENANCE TECHNICIAN | 07/24/2023 |
|--------|-----|------------------------------|------------|

**General Office**

|         |         |                               |                      |
|---------|---------|-------------------------------|----------------------|
| BRANDON | HUGHES  | IRRIGATION SYSTEMS SUPERVISOR | 07/24/2023 PROMOTION |
| ISMAEL  | JIMENEZ | IRRIGATION SYSTEMS OPERATOR   | 08/07/2023 PROMOTION |
| AMANDA  | MOLINA  | PUBLIC INFORMATION OFFICER    | 08/07/2023           |
| THOMAS  | ORTEGA  | IRRIGATION SYSTEMS OPERATOR   | 08/07/2023           |
| JOSHUA  | GAMBOA  | CONTROLLER                    | 08/14/2023           |
| BRANDON | SMITH   | IRRIGATION SYSTEMS OPERATOR   | 08/21/2023           |

**AGENDA ITEM NO. 7 - REPORT(S) FROM THE PROCUREMENT OFFICER - Richard DeLoia, CPO**

- a. **Consideration/Approval for the following**
1. **Langemann Gate Order for Story Wasteway Project**

Mr. DeLoia presented the purchase of two Langemann Gates for the Story Wasteway OCS Project in Valencia County. He said they were requesting approval from Aqua System 2000 and would be awarded through the MRGCD price agreement contract.

Director Kelly made the **MOTION TO AUTHORIZE THE PURCHASE OF TWO LANGEMANN GATES WITH AQUA SYSTEMS 2000 INC.** Seconded by Madam Chair Russo Baca. The **MOTION CARRIED UNANIMOUSLY.**

2. **Corrales Siphon Design Agreement**

Mr. DeLoia presented approval for the design phase task order for the Corrales Siphon Project. He said they recommended award to Wilson & Company and would be awarded through their MRGCD on-call contracts.

Director Kelly stated he reviewed this and felt the project needed to have a subconsultant and Lithos Engineering's scope complimented what Wilson & Company was doing. He added that it is specialty work and to keep in mind that they're going with this Board to restore gravity operation of that siphon to get away from diesel pumps and electric pumps; also to restore the point of diversion off the rio grande which is at the Angostura Diversion Dam. Corrales will have the same diversion point as everyone in the Albuquerque Division which he felt to be extremely important.

Jason Casuga added what makes this project unique besides doing much work underground, there is significant infrastructure issues on the east side that require coordination with both the gas company and land discussions with the Pueblo of Sandia for construction purposes as well.

Director Kelly made the **MOTION TO APPROVE THE CONTRACT WITH WILSON & COMPANY**. Seconded by Director Barbara Baca. The **MOTION CARRIED UNANIMOUSLY**.

## **AGENDA ITEM NO. 8 – UPDATE ON THE 2023 IRRIGATION SEASON**

### **a. Report on the Water Supply Conditions – Anne Marken, Water Ops Division Manager**

Ms. Marken reported conditions have changed drastically since the last Board meeting. At the last meeting, the Rio Grande was coming off an above-average spring runoff and a cooler than average May and June. She was optimistic if the Rio Grande experienced some rain inflows, the MRGCD could hold off releasing from storage until mid-August and continue meeting crop demand for irrigators through the rest of irrigation season with the available supplies. However, as we have all experienced, July turned out to be incredibly hot and dry. For example, the average high in Albuquerque for July this year was 99°F and this number is normally 91.2. Albuquerque only received a trace amount of precipitation in the month of July, but normally receives 1.64 inches.

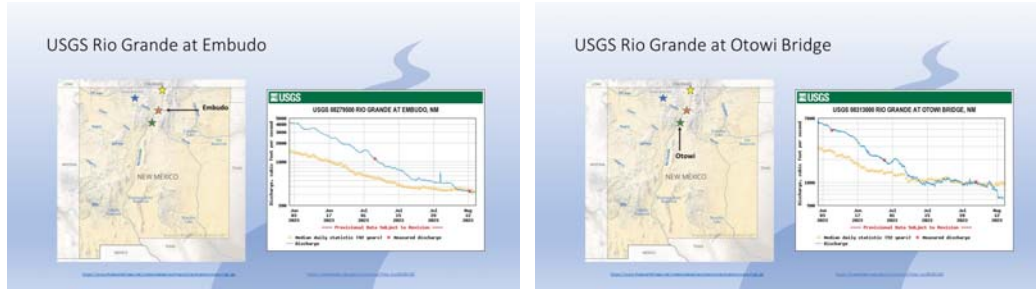
These conditions resulted in MRGCD releasing from storage on July 17th, about a month earlier than anticipated and at a rate higher than it was expected. She defined the types of water in the basin: native Rio Grande water is water that originates within the Rio Grande Basin and is subject to the Rio Grande Compact. The San Juan Chama Water, which is imported from the San Juan River Basin to the Rio Grande Basin through the Bureau of Reclamation San Juan Chama Project. San Juana Chama Water is not subject to the Rio Grande compact.

The first hydrograph is the La Puente Gauge, which measures native Rio Grande inflows above the reservoirs on the Rio Chama. Today it's reporting about 60 cubic feet per second or CFS, today. You can see flows of this gauge have come down drastically since the beginning of June but have remained surprisingly stable since the middle of July.



The next gauge shared was the Lobato's Gauge on the Rio Grande at the Colorado State Line. Ms. Marken reported that day, this gauge measured 90 cubic feet per second of native water, which is down from about 500 cubic feet per second in the middle of July.

The next gauge is the Embudo Gauge on the Rio Grande, which measures the amount of native Rio Grande water that the main stem of the Rio Grande is producing above its confluence with the Rio Chama. In the middle of July, this gauge was measuring around 800 CFS and today that number is 330 CFS.



The final hydrograph shared was the Otowi Gauge, which measures all the inflows in the Rio Grande upstream of Cochiti Reservoir. This gauge measures native Rio Grande inflows and San Juan Chama water released from storage by the MRGCD, ABCWUA, and Reclamation. Today, Otowi is reporting 630 cubic feet per second, which is down from about 1,000 cubic feet per second in the middle of July. Of the 630 cubic feet per second at Otowi today, 255 is San Juan Chama water. Without San Juan Chama Water, the Otowi Gauge would be reporting much closer to 375 cubic feet per second and less than that would be likely entering the middle valley below Cochiti.

Ms. Marken then reported the only storage water available to the MRGCD in 2023 was San Juan Chama water. This was due to construction on the El Vado Reservoir which has prevented the MRGCD from storing native Rio groundwater this year as El Vado is the only facility where MRGCD is currently allowed to store native water. MRGCD received a full San Juan Chama allocation for 2023, which was 20,900 acre feet. MRGCD began releasing its San Juan Chama water on July 17th, and today MRGCD has less than 4,000 acre feet left of San Juan Chama Water in storage. She stated if we do not see river inflows from rainstorms, we could be out of San Juan Chama Water before next week. Once MRGCD is out of San Juan Chama Water, the only water available to deliver to irrigators will be what the Rio Grande is naturally producing, which could be about 300 cubic feet per second. If native Rio Grande inflows to the Middle Rio Grande are as low as 300 cubic feet per second, this will mean that most of the available flows will be delivered to prior and paramount lands to satisfy their crop demand and any remaining flows will be all that is available to non-pueblo irrigators. BIA is calculating a crop demand on prior and paramount lands is about 200 cubic feet per second today, which would leave a small amount of water to be distributed among the non-prior and paramount lands once MRGCD is out of San Juan Chama water. If native inflows go below what BIA is calling prior and paramount demand, then BIA can call for releases from the 14,000 acre feet of stored water and Abiquiu for delivery to prior and paramount land. She stated that's water that was stored specifically for the prior and paramount lands. At that point, if they're releasing from that P&P storage, non-Pueblo irrigators upstream of the pueblos will be unable to receive irrigation deliveries unless we see some inflows from rain.

New Mexico's Rio Grande Compact Debt at the end of 2022 was 93,000 acre feet. Compact deliveries are tracked all year but only calculated at the end of the calendar year. She stated the current compact is 93,000 acre feet. She hesitated to guess where she believes the compact debt will be at the end of 2023 because there is 120,000 acre feet of water stored in Abiquiu that was stored during flood operations and it will have to be moved down to Elephant Butte at the end of irrigation season. She hesitated to hazard where we think we might end up there.

She pointed out that this year is a perfect example of why storage of native Rio Grande Water is so important to the Middle Valley irrigators. The Rio Grande had an above

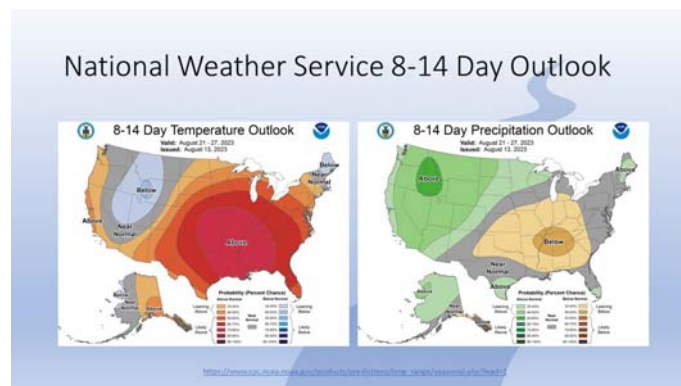


average runoff this spring. We were talking about flooding conditions, very concerned about the levees. And here we are in the middle of August talking about running out of stored water and potentially reaching that prior and paramount threshold. New Mexico having a Rio Grande compact debt puts restrictions on MRGCDs ability to store native water, and the District thinks it's really important to be mindful of that Rio Grande compact debt moving forward, when El Vado is available to us, we're not constrained by the Rio Grande compact restrictions.

She informed the Board that an agreement with the MRGCD, the Bureau of Reclamation, and the Albuquerque Bernalillo County Water Utility Authority was entered into in July. And that was about the time MRGCD was beginning to contemplate making releases of the San Juan Chama water from storage. Reclamation mentioned at the last Board meeting that they were having problems moving water through El Vado Reservoir due to debris clogging up the outlet works on the dam. The majority of both Bureau of Reclamation's and MRGCD's San Juan Chama water was in storage in Heron, which means that water had to travel through El Vado to get down to the Middle Valley. So, this agreement, what it did is it allowed the MRGCD and the Bureau of Reclamation to swap water that the Albuquerque Bernalillo County Water Utility Authority already had downstream of El Vado in Abiquiu, and so we've been operating under that swap since we started making releases from San Juan Chama water. Since the agreement was put into place, the Bureau of Reclamation has managed to remove the bulk of the debris from El Vado outlet works and is now able to consistently move 500 cubic feet per second through the dam. She updated the Board that there was a swift action between all these managing agencies to prevent any interruptions and releases from San Juan Chama water from the BOR and MRGCD.

Mr. Casuga stated when they run out of San Juan Chama water and get down to 300 CFS and tribal demand of 200±, they would have to leave native water around 80-90 CFS to try to distribute equitably for the rest of the valley to the end which will be very difficult. He also said the pumps would be turned off when the San Juan Chama water runs out. There will not be enough water in the river to sustain those pumps.

Ms. Marken discussed the 8 to 14 day outlook, which showed above average temperatures and near normal precipitation for the coming two weeks. She stated the 90-day outlook showed above average temperature and likely below average precipitation.



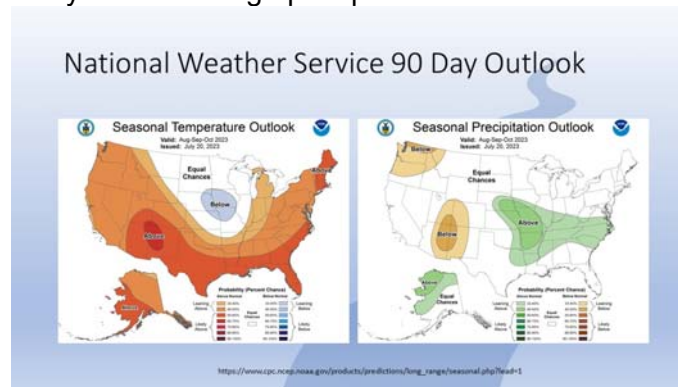
The chair asked whether P&P (prior and paramount) lands also have additional water right of storage. Mr. Casuga said the federal government has a stored volume calculation that they do to ensure annual delivery to the pueblos. It's not a new right, but it's a volume of water that is calculated by the federal government that they take out of the river and store to ensure that prior and paramount lands have the best chance to



receive a full irrigation delivery for the whole year. He stated that even being the case, there are still scenarios in which even that water could be expended in extreme drought situations that we may be facing. But it is trying to provide the best chance for those historical tribal lands to be irrigated as they were and have been as senior users on the river.

The chair also asked if P&P water or any tribal water is not part of the Rio Grande Compact. Mr. Casuga answered that water stored currently in Abiquiu for prior and paramount is done so outside of the compact, although if it's not used, it's returned to the compact state to be delivered under the compact rules. He also said if anyone would like to discuss the caveats associated with how water gets returned from P&P and under what conditions, he would be happy to do that.

Ms. Marken showed the National Weather Service 90 day outlook which showed that we're likely to experience above average temperatures and right on the cusp of maybe experiencing some above average precipitation. She expects to experience near normal precipitation for the coming two weeks. Regarding the 90-day outlook, above average temperatures and likely below average precipitation.



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

Mr. Martinez stated the July weather conditions contributed to a higher than normal irrigation demand. He talked about the rainstorms the previous week causing runoffs and flash flooding in Albuquerque. He reiterated that after San Juan Chama water ran out, they would have to depend on mother nature for water and MRGCD water users should prepare for extreme water shortages and limited irrigation deliveries. Mr. Martinez said ISOs would provide advanced notice of water availability, and he encouraged water users to check in with their ISOs often. He spoke about the Corrales Siphon and the electric pumps. He stated when the water level decreased, it also decreased the ability for the pumps to run properly. On the left is the flows in May, which showed how high the river was at the time during spring runoff. On the right, it's dropped about 5 feet which is from this morning. There's a very good reason for concern as to why MRGCD may not be able to pump anymore. It is possible that as the next cuts from Cochiti Dam take place, the water level in the river could drop below the point where the pumps can operate. In this case, the pumps can no longer provide irrigation deliveries to Corrales Main Canal irrigators and farmers, but if it does rain and run off restores water levels, the pumps will be turned back on at a moment's notice.



He reported the District's received a grant to construct replacement of the Corrales Siphon and that design phase would be starting soon. He thanked the ISOs for all their hard work. Mr. Martinez urged irrigators to keep the uncertainty of rain into consideration when making farming decisions in the fall. He said they would keep diverting and delivering available supply until October 31st.

Mr. Martinez congratulated Donald Montoya who received a well-deserved recognition during Items from the Floor and believed he would make a great supervisor for the division. He stated there were many others who deserve recognition this season and two individuals in particular who have been exceptionally loyal to the MRGCD and the water users: Darrick Chavez and Lawrence Otero. Lawrence (Otero) has been employed for nearly 25 years who underwent a major surgery and has been recovering since. He's making progress and is eager to return. Darrick Chavez has been devoted to MRGCD and his farmers in Bosque Farms. Although he's battling a serious illness he has been helping substitute ISOs from his hospital bed. Mr. Martinez said these two care about the people they serve and are truly good people who are missed.

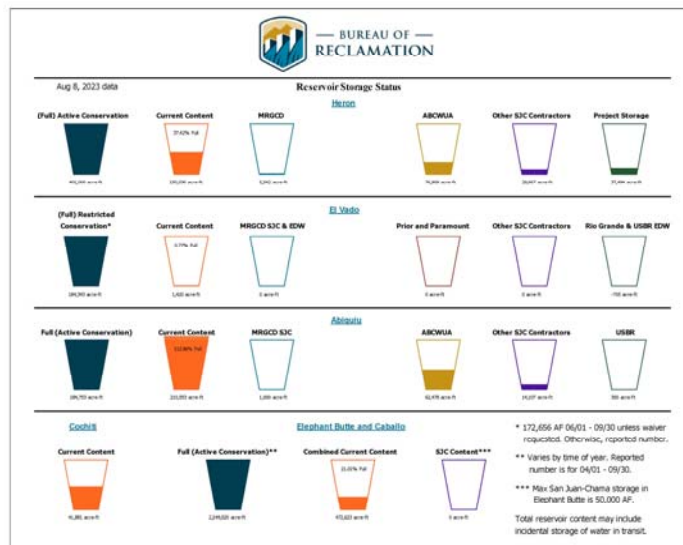
Jason Casuga discussed water delivery through the Belen Highline Canal saying its water originates from the Pueblo of Isleta at the Isleta Diversion Dam. There was a change there, it's typically 2 to 2½ days to move that water from there all the way down to Feeder 3. In that stretch, we have significant urbanization that's gone on. The damage that storm events have done to the highline resulting in those storm events destroying sections of the highline in the City of Belen while also those storm events flooding the communities. And the MRGCD faces a legal conundrum as we continue to defend the ability to use the facility to do its historical purpose while also finding just how do we do that without going into a ton of detail. That exists all the way down to Feeder 3. The highline is called the highline for a reason. It's up high and it is a long way and it's been an artery, it's been doing this irrigation thing for a long time, but the lands around have changed either by development around them and urbanization and yet our largest contiguous fields for agricultural remain south of Belen. He also said that the MRGCD is committing funds this year for a planning project to build a pump station off of the Feeder 3 drain that would be able to renew the supply of water delivery to serve the ditches that you mentioned, the Sabinal, the Jarales and the Garcia Extension, and in many ways act as a new heading. He report that's some of the money that is being used with the new infrastructure money that the Board approved with the one-mill increase. There's about 5,000 acres down there that could benefit from that and the MRGCD has done a project like this before in Socorro County doing the same thing. He wished he could tell you that pump station would be active next year, but it's about a two year process to get there, plus construction. We know that we've got to find a way to move water through our urban areas to our largest acreage, which is typically south of that.

Unfortunately, we urbanized up next to our diversions, built homes, built roads, built all those things around, so we've got to be able to safely move water around those areas to get to farmland like yours. But this Board has invested in creating infrastructure money that we can do that. We will be having a meeting with an on-call about developing our planning document. He just had a conversation that day with the conservation supervisor about hopefully applying for a \$5 million grant to help construct it and even if we don't get the grant we will come up with the financing option to get it constructed. Our goal is to protect and provide irrigation water to those lands and we're going to do everything we can. He said it's been a struggle and it's going to continue to be in the short term. We're trying to build the infrastructure to do it. We as a District have enjoyed a long life of gravity, if you will, allowing gravity to do the work for us, but the pattern of urbanization is largely going to have to allow us to supplement gravity with strategic mechanical means to provide a reliable water supply while we have water to farmers. And with that comes engineering, sometimes cost, electricity obviously, and others. He wished he had better news and said that they are thinking outside of the box. He said he's visited irrigation districts that have gone through the same thing and come back even with their ideas. That it's doable, but the District can't do it overnight.

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

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

Ms. Faler sent an email that she could not attend today's meeting. Jason Casuga said they would be seeking to have Reclamation give an update on El Vado in September. He stated there was new information and El Vado was moving forward.



**b. Bureau of Indian Affairs - Roland Becenti, Acting Designated Engineer**

Not present.

**AGENDA ITEM NO. 10 - PRESENTATION AND REQUEST FOR SPONSORSHIP FOR THE GREAT NM CHILE TASTE-OFF - Travis Day, Executive Director, NM Chile Association**

Travis Day thanked the Board for their support of the New Mexico Chile Taste-Off. He said they had a great turnout at the last event even though it rained. He announced the next one would be October 7, 2023, in Socorro, NM. He asked the District to consider sponsoring once again.

Vice Chair Dunning suggested advertising to get Balloon Fiesta participants to attend the Chile Taste-off. Mr. Day stated that was the reasoning for the date. Ms. Molina felt that there's ways to cross promote efforts.

The chair said the Board didn't need an approval as Ms. Fanelli confirmed there's budget and directed Mr. Day to invoice the District.

**AGENDA ITEM NO. 11 - REPORT(S) FROM THE SECRETARY-TREASURER/CFO - Pam Fanelli, CMA, CGFM**

**a. Discussion/Approval for Water Trust Board Application for Socorro Lining Project  
1. Resolution M-08-14-23-201**

Ms. Fanelli stated the District would like to apply for another Water Trust Board grant/loan for phase 2 of the Socorro lining project. The amount of the financial assistance requested is \$10 million with the District pledging a 20% local match of 2 million. The actual expenditure would be incorporated into our fiscal 2025 budget and the estimated amount of the loan would be approximately a million.

Vice Chair questioned the phase. Mr. Casuga added as part of this original planning document and design, they actually expected to build more miles than the amount of money that we have is going to go. He did not expect a ton of money to be spent on the design work in the next phase, but mostly toward construction work.

Chair Russo Baca made the **MOTION TO APPROVE RESOLUTION M-08-14-23-201**. Seconded by Vice Chair Dunning. The **MOTION CARRIED UNANIMOUSLY**.

**b. Notification of the 2023 MRGCD Water Service Charge Reclassification (Protest) Hearing per NMSA 73-18-8.1; hearing scheduled for September 11, 2023.**

Ms. Estella Gamboa gave notification of the 2023 MRGCD Water Classification Hearing scheduled for September 11, 2023.

**AGENDA ITEM NO. 12 - REPORT(S) FROM THE CHIEF OPERATING OFFICER - Eric Zamora, PE**

**a. Update from the Division Offices**

Mr. Zamora reported for the first half of the irrigation season, the divisions spent a significant amount of time doing levee repairs and other items of work beyond the scope of their normal duties. He said because of the lowering water levels, they were catching up on their mowing operations.

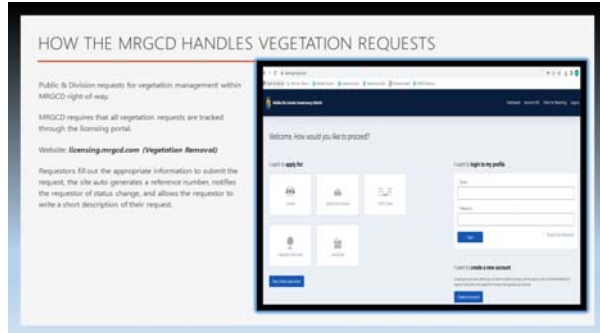
He discussed the vegetation management issue and explained the online portal for the public to use to submit any concerns with vegetation. Mr. Zamora said they had 39 vegetation removal requests so far and were seeing an uptick in requests. He said they could see 2½ times the budget for 2023. He said issues that have affected the budget was ownership, access and not being able to get equipment in places. He stated they were assessing if it would be viable to have a tree removal crew and were pricing equipment. Mr. Zamora added they were having significant issues and struggles of removing full grown cottonwoods in the valley.

# MRGCD VEGETATION MANAGEMENT

2023

Presented by Eric Zamora

Prepared by Michael Padilla



### Processing Vegetation

How it works:

- 1 Online Request, Staff receives the request and reviews what is being requested
- 2 Staff - Research the location - Research MRGCD property interest - Pull Plans/Drawings - Conduct a site visit - Determine if vegetation obstructs the ability to flow water or blocks the maintenance bank.
- 3 Staff - Determine if the request meets the requirements for removal.
- 4 Determine if Division Staff can remove or contractor

### VEGETATION REQUESTS 2023

MRGCD has received 39 vegetation requests to date.

30 out of 39 requests have been completed by the Division Maintenance Crews or denied because the request didn't meet MRGCD requirements. Requests that MRGCD crews can't handle are assessed by the MRGCD's Contract Arborist.

MRGCD's FY Budget

- FY 21 - \$60,000.00
- FY 22 - \$65,000.00
- FY 23 - \$134,895.00
- FY24 - \$350,000.00

FY24 budget is 2.39 times what it was for FY23. This upward trend will allow MRGCD to increase its annual vegetation budget or to establish its very own vegetation team and invest in Equipment, Employees, and Training/Certificates.

### Pending Vegetation Requests

- 6 - pending that need to be evaluated and assessed to determine if Divisions Crews can remove or if a Contractor is needed. **Cost unknown.**
- 3 - Requests that have been assessed, recommendations for removal and quoted. totaling - \$66,772.26, 19% of the total budget.
- Vegetation within the Middle Rio Grande Valley is aging out. Cottonwoods, Elms, and other non-native species are aging out.
- Access impacts the cost of vegetation removal, where access is limited and specialized equipment is needed to remove approved vegetation.

### Vegetation Management throughout the Divisions

Cochiti Division - IRD reported a fallen tree within the Algodones Arroyo & West Interior Drain to the Licensing & Lands Department. vegetation requests are currently with the Licensing and Lands Department.

Albuquerque Division - Vegetation Management has been a weekly occurrence within the rights-of-way averaging one occurrence a day from IRD or the Planning Department pertaining to down branches, public requests, or vegetation obstructing the ability to access the ROW.

Belén Division - In the past weeks large vegetation has fallen in the northern part of the Division resulting in trees remaining the down vegetation and making embankment repairs to the Braughl Lateral. The remaining vegetation within the Braughl Lateral is scheduled for a professional arborist report, based on the arborist report, will determine if the remaining vegetation will be scheduled for removal.

Socorro Division - This calendar year we have acted on one large vegetation that fell towards an adjacent property owner, splitting between MRGCD ROW and the property owners. The vegetation was removed to allow access to the ditch bank and regular ditch bank maintenance.

Vice Chair Dunning asked about the portal and when to use it regarding down branches, etc. She also asked if they considered mistletoe removal to help save trees. Mr. Casuga stated they could look into the mistletoe. He believed mobilizing a crew for a bucket truck for situational cutting off of something is actually in many instances more expensive than the removal itself.

Director Kelly suggested taking a risk-based approach in their effort to tell if the trees would fall on any structures or fields. He said he likes the idea of our guys running chainsaws with both feet on the ground and leave the tree climbing to the experts. Jason Casuga stated they have on-call arborist with tree removal services.

Director Barbara Baca said she's glad Ms. Molina will be looking at what we do to message what we're doing out there. They had talked about creating something that educated people and talked about risks. Mr. Casuga agreed that what would be interesting is to track the data.

Mr. Zamora gave an update, NMDOT was under construction, replacing the pipe under New Mexico Highway 6 in Los Lunas. He said they were utilizing a 72-inch reinforced concrete pipe. He noted the Peralta Riverside Drain to Feeder 3 allowed the construction to take place but was not getting water down on the heading of the San



Juan Main. He said they discussed the issue and Mr. Ish suggested looking at moving the bypass pumps upstream. Mr. Zamora said they would be doing some metering to see what type of flows were in the drain to see if it was worth the effort.

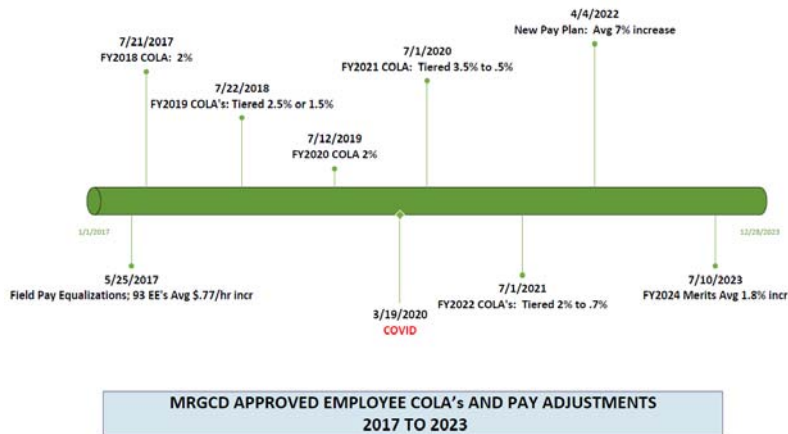


Vice Chair Dunning made the **MOTION TO APPROVE MEMORANDUM OF AGREEMENT**. Seconded by Director Michael T. Sandoval. The MOTION CARRIED UNANIMOUSLY.

**AGENDA ITEM NO. 13 - REPORT(S) FROM THE CHIEF ENGINEER - Jason M. Casuga, PE**

**a. Information Update to the MRGCD Divisions - Jason M. Casuga, CE/CEO**

Mr. Casuga said in the middle of July pay increases for performance hit and brought frustration from the staff on why they were not as significant as COLAs in the past. However, he said they did a poor job of talking about it. He said they had planned for employee wages to increase by 9% at a minimum over 5 years. He added there were two organizations that paid slightly more than MRGCD, but that the District did unique things from both a health insurance and social security standpoint. He believed the District is competitive on average but is really good to long-term employees. He mentioned he, Ms. Molina and senior staff will be going to the divisions with informational updates especially on policy changes and other matters. Mr. Casuga stated he would be proposing a communication style to add to his own performance plan going forward and how the Board should evaluate him in terms of communication.



**b. Report on the USACE/MRGCD Levee Coordination Meeting, August 7, 2023 - Jason M. Casuga, CE/CEO**

Mr. Casuga said they had their kickoff meeting for the phase one of Bernalillo to Belen Levee with the Corps. He said he had a long history of working with the Corps, but the MRGCD team was learning. He felt the end goal in this first phase is to learn about each other, learn what we do well, learn the process, and then begin to pick up steam as we go through, further and further phases. He stated the biggest danger to the process was lining up the state and federal funding because it was unpredictable what Congress would do.

Director Kelly requested he share a list of attendees with the Board. Mr. Casuga stated they could.

**c. Report on the Planning of the Conservancy Act Centennial, August 7, 2023 - Jason M. Casuga, CE/CEO**

Mr. Casuga stated September 28th was the date for their luncheon to celebrate the legislature passing the Conservancy Act. He announced John Fleck would be their keynote speaker. Mr. Fleck has been doing research on what the valley was going through. Mr. Casuga said he hoped to eliminate some urban legends of what led to the Conservancy Act being passed. He also thanked Doug (Strech), Casey (Ish), and Yasmeen (Najmi) for all their help.

**d. Report on the Six Middle Rio Grande Pueblo Coalition Meeting, August 10, 2023 - Jason M. Casuga, CE/CEO**

Mr. Casuga said they got positive feedback with some of the changes that Mr. Zamora implemented on changing in boundaries and the improvement of operations and maintenance and O&M in general. He said they discussed the ongoing negotiation with BIA and O&M. He said they would handle the Centennial for the Conservancy Act and Centennial for the actual birthday of the District differently. He said there were cultural impacts that have gone through the valley since the Conservancy Act was passed and because the MRGCD exists, and they needed to approach it with that in mind.

**e. Report on the BIA Agreement Discussion, July 31, 2023 - Jason M. Casuga, CE/CEO**

Mr. Casuga said he felt they were close. He said they went through a substantial portion of the document and were awaiting the final version from BIA. He stated he still believed it should be reviewed by the finance committee. He said he was hoping to bring the contract to the Board for approval in September. Mr. Casuga mentioned they received a report during the negotiation process that the number they proposed was accepted.

Vice Chair Dunning asked if it was a regular occurrence having unspent funds and be eligible to get more. Mr. Casuga stated it was a common federal practice to have unspent money in his experience.

Director Kelly asked about any changes within the agreement. Mr. Casuga stated a significant change in the budgeting process, to define the BIAs process and to add language making it required to bring the District into the process that BIA uses to plan for its funding on a two-year rotating schedule.

**f. Thank You Card & Feedback from Oasis Albuquerque - Jason M. Casuga, CE/CEO**



Mr. Casuga felt that the good things aren't spoken of often and thanked Lorna Wiggins for her help. He said Oasis was an organization for retirees that produced many things but one of those are seminars on topics of interest. He said the seminars on the Rio Grande were really good and very productive.

Madam Chair Russo Baca asked how many were in attendance. Lorna Wiggins answered about 90 and said they sold out the first time, so they asked for a second. She said the feedback was positive and Oasis was happy with the results. It's a paid event, to which she and Mr. Casuga donated their honorarium, which is \$100 a speaker back to the nonprofit in Albuquerque which is also a national organization. They have three-pronged approach to healthy aging. And one is intellectual stimulation, one just the physical health, and the other is really being a vital part of the community through volunteerism, and that's a tutoring program, intergenerational.

**g. Upcoming Events**

- 1. NM Water Law Conference, Santa Fe, NM - September 18-19, 2023**
- 2. Inaugural Meeting Coalition of Rio Grande Water Users, Hotel Santa Fe - October 3-5, 2023**
- 3. Great NM Chile Taste-Off, City of Socorro Rodeo & Sports Complex - October 7, 2023**
- 4. Latinos Farmers & Ranchers International El Congreso 2023, Isleta Resort & Casino - October 26-28, 2023**
- 5. 2023 CRWUA Conference, Paris Las Vegas Hotel - December 13-15, 2023**
- 6. Irrigation Leader Magazine featuring the EBID & MRGCD Tour**

**AGENDA ITEM NO. 14 - REPORT(S) FROM THE MRGCD ATTORNEY(S) – Chief Water Counsel or General Counsel**

General Counsel reported in Executive Session.

**AGENDA ITEM NO. 15 - REPORT(S) FROM THE BOARD**

**a. Report on the Valencia County Informational Meeting, July 13, 2023 - Chair Russo Baca and Director Kelly**

Director Kelly said it was a well-run meeting with good interaction. He felt Eric (Zamora) and Tyler (Otero) did well dealing with a potentially angry crowd and it didn't turn out that way.

Madam Chair Russo Baca agreed it was a well-attended meeting and received good, positive feedback. She said Ms. Marken opened it up for questions right away and that went really well. She suggested maybe having a sister advisory committee with an Irrigation Agricultural Advisory Committee on how the CAC (Conservation Advisory Committee) is run to have a more open discussion in the future.

**b. Report on the Valencia County Soil and Water Conservation District, Summer Conservation Camp, July 10, 12 & 14, 2023 - Chair Russo Baca**

Madam Chair Russo Baca said the MRGCD sponsored event had 17 kids attend and it went very well. She said they toured different farms in the area, the Soil & Water Conservation District and NMSU Campus picked apples and went to her farm to feed them to her pigs. They learned about regenerative agriculture and rotational grazing.

c. **Report on the Conservation Advisory Committee Meeting, July 20, 2023 - Chair Russo Baca**

Madam Chair Russo Baca stated they talked about the current hydrology update and deliveries for endangered species, the Story Wasteway OCS update, Story Wasteway Project, and the Belen OCS gate installation update. She stated the gate was installed and telemetry would be installed in July with plans to operate the gate in August.

d. **Report on NM Interstate Stream Commission's Plans to Stand-Up the New Regional Water Resilience Planning Program, July 21, 2023 - Chair Russo Baca**

Madam Chair Russo Baca stated she could send out a link for that presentation. She said it was really on the ISC's plans for the Regional Water Resilience Planning Program put on by the middle Rio Grande water advocates.

e. **Report on the Meeting with Belen Public Works Director Regarding Belen Riverside Park Discussion, August 1, 2023 - Chair Russo Baca**

She stated they did not get to meet with the Belen Public Works director but were trying to reschedule.

Mr. Zamora added that it's Valencia County that's the energy behind this new initiative. Lina Benavidez, the Public Works Director, reached out based on direction from the county manager. He stated their board did have an interest, but it was a matter of pulling the parties together.

f. **Report on NM State University's Agricultural Science Center Field Day, August 8, 2023 - Chair Russo Baca**

Madam Chair Russo Baca said Yasmeen Najmi and Casey Ish both attended. It was a really great field day to see what was going on in the Los Lunas Science Center. She encouraged people to come in future years. And always a great turnout and they have really great door prizes.

g. **Report on the Election Committee Meeting, August 8, 2023 - Vice Chair Dunning and Directors Joaquin Baca and Sandoval**

See discussion in the added item 4(c).

h. **Report on the Finance & Personnel Committee Meeting, August 9, 2023 - Directors Kelly, Dunning, and Barbara Baca**

Director Kelly said their expected deficit would be much less due to some revenues that were underestimated. He said they discussed how to work things with the new 1% mill levy for capital and how it would flow through new accounts and upcoming issues with employee salaries.

Vice Chair Dunning added that going with an investment firm had paid off.

Director Barbara Baca asked to hear about the differences. Ms. Fanelli said last year the District realized \$50,000 in interest income and this year they would realize around one million.

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

Director Kelly made the **MOTION TO GO INTO EXECUTIVE SESSION** at 5:37 p.m. Seconded by Vice Chair Dunning. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED.**

|                       |     |                    |     |
|-----------------------|-----|--------------------|-----|
| Director Baca         | Yes | Vice Chair Dunning | Yes |
| Chair Russo Baca      | Yes | Director Kelly     | Yes |
| Director Joaquin Baca | Yes |                    |     |

**AGENDA ITEM NO. 16 - EXECUTIVE SESSION**

- a. NMSA 1978 Open Meetings Act, Section 10-15-1(H)2
  - 1. Limited Personnel Matters
  
- b. NMSA 1978 Open Meetings Act, Section 10-15-1(H)7
  - 1. Threatened or Pending Litigation

Director Kelly made the **MOTION TO GO BACK INTO REGULAR SESSION** at 6:21 p.m. Seconded by Director Barbara Baca. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED.**

With no further comments, questions, or concerns, Madam Chair Russo Baca adjourned the meeting at 6:22 p.m.

Approved to be the correct Minutes of the Board of Directors of August 14, 2023

**ATTESTED:**

\_\_\_\_\_  
Pamela Fanelli, CMA, CGFM  
Secretary-Treasurer/CFO

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