

**MINUTES OF THE  
2,204th REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF THE  
MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

**OCTOBER 9, 2023 - 3:00 PM**

Directors having been duly notified; Madam Chair Russo Baca called the regular meeting to order at 3:03 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
Brian Jiron, Director	Present	Dr. Charles DuMars	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

Margaret Jiron	Caleb Jiron	Savannah Jiron
Noah Jiron	Philip Jiron	Catherine Terranova
Avelino Baca	Brock Baca	Martin Baca
Casey Ish, MRGCD	Amanda Molina, MRGCD	Christine Nardi, MRGCD
Josh Hind, MRGCD	Michael Padilla, MRGCD	Estella Gamboa, MRGCD
Mark Garcia	Derek Jarner, MRGCD	Dan Krupiak
Santiago Maestas	Jerry Montañó	Troy Richardson
Tony Tafoya	John Thompson, MRGCD	John Fleck

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

Madam Chair Russo Baca acknowledged Indigenous People's Day.

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

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

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

Items 4 and 13(f) were removed from the agenda.

Madam Chair Russo Baca made the **MOTION TO APPROVE THE MEETING AGENDA with the above changes**. Seconded by Director Joaquin Baca. The MOTION CARRIED UNANIMOUSLY.

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

- a. **Consideration/Approval of Payment Ratification - October 9, 2023**
- b. **Consideration/Approval of September 2023 Invoice for Wiggins, Williams & Wiggins**
- c. **Consideration/Approval of September 2023 Invoice for Law and Resource Planning Assoc.**

- d. **Consideration/Approval of the Minutes for the Regular Meeting Board Meeting - September 11, 2023**
- e. **Consideration/Approval for Purchasing a 1-ton Pickup Truck - Richard DeLoia, CPO**
- f. **Memo on MRGCD Approved Licenses for September 2023 (For informational Purposes Only)**

Vice Chair Dunning recommended naming the directors that had any nay votes in the record, so constituents knew who voted for or against motions. It was decided that would occur going forward.

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

**AGENDA ITEM NO. 4 - REORGANIZATION OF THE BOARD - Lorna Wiggins, MRGCD General Counsel**

Director Kelly nominated Stephanie Russo Baca to be the Chair. No other nominations were made.

Director Joaquin Baca made the **MOTION TO CLOSE NOMINATIONS FOR CHAIR OF THE BOARD**. Seconded by Director Sandoval. **The MOTION CARRIED UNANIMOUSLY.**

Ms. Wiggins then asked the board if they would like to recognize Director Russo Baca as the continuing chair of the board or if they wanted to take a vote. Director Kelly believed it's by acclamation and consensus to keep her as the chair.

Director Kelly nominated Karen Dunning to continue to be the vice chair. No other nominations were made.

Director Sandoval made the **MOTION TO CLOSE NOMINATIONS FOR VICE CHAIR OF THE BOARD**. Seconded by Director Joaquin Baca. **The MOTION CARRIED UNANIMOUSLY.**

Ms. Wiggins then asked that it's within the board's discretion to recognize by acclamation Director Dunning's position as vice chair or to have an election. There was a consensus to recognize Director Dunning as vice chair. She congratulated Director Russo Baca as chair and Director Dunning as vice chair.

**AGENDA ITEM NO. 5 - 2023-24 BOARD COMMITTEE ASSIGNMENTS - New Chairperson**

Madam Chair Russo Baca discussed all the board committee openings and asked each of the directors to pick the top three committees they would like to be on. She welcomed the newest director to talk to the other board members who sit on the current committees, as long as they do not have a rolling quorum, meaning having a discussion with three or more members.

Director Kelly said there was interest from the community that they set up a process for getting input from farmers and had told people he would support forming an Urban Issues Advisory Committee. He felt that the members of the Urban Issues Committee could be on the advisory committee and to keep that in mind.

Dr. DuMars recommended keeping in mind that the quantity of irrigation water rights, the number that are available have been steadily shrinking. He felt the combination of those issues, the proof of beneficial use issue and how that inner relates to the current quantities of water that are utilized by the irrigators within the District will be an important subset of the issues that would be taken up by the Urban Issues Advisory Committee.

Madam Chair Russo Baca said she had been working with staff on a Farmers Advisory Committee to be more transparent and have better communication with the public.

Mr. Casuga asked if they've thought through how members would be selected or did they have a methodology for filling these committees. Director Kelly replied that he would look to him and his staff for guidance on that similar to the Conservation Advisory Committee.

There was question if the advisory committees would be the same as the other committees or separate. Mr. Casuga explained that the advisory committees provided input to the committee members. He thought that the board committees themselves still have to exist to be able to provide direction and recommendations to the whole board.

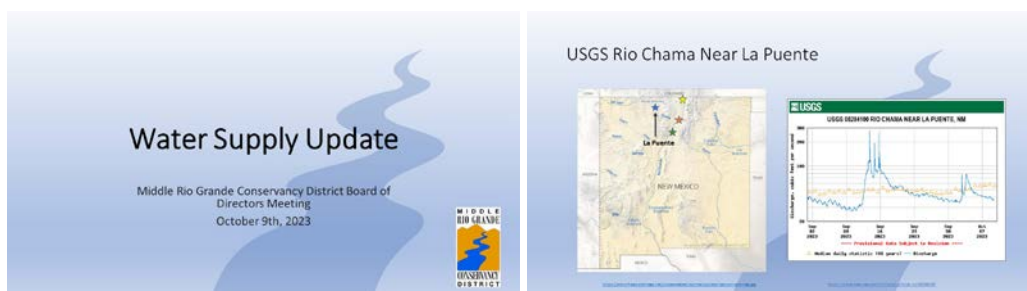
### **AGENDA ITEM NO. 6 - Update on the 2023 Irrigation Season**

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

Ms. Marken stated that within the last month of irrigation season, the cooler weather slowed the decline in the inflows. She showed the hydrographs and updated the Board on the CFS amounts as follows: 40 CFS at La Puente Gauge, 85 CFS at Lobatos Gauge, 280 CFS at Embudo Gauge, 1500 CFS at the Otowi Gauge. This gauge is reporting higher because the Corps of Engineers was moving native Rio Grande water that is stored for this spring for flood control purposed down to Cochiti Reservoir. That water is going to be released from Cochiti starting in November to be delivered to Elephant Butte.

She reported that 380 CFS of water entering the middle valley below Cochiti, 70 CFS of this release is San Juan Chama water that will be released by the Bureau of Reclamation to support river flows through the middle Rio Grande, which leaves about 310 CFS inflow below the Cochiti Dam for irrigation purposes. She expressed that MRGCD had no storage water to augment native Rio Grande inflows and did not have enough available water to meet all of the irrigation demand to non-prior and paramount lands but said they are distributing the available flows as equitably as possible.

With the cooler weather in the forecast, she thought MRGCD will be able to continue to make limited irrigation deliveries to non-pueblo irrigators for the remainder of the irrigation season. Ms. Marken said the National Weather Service forecasted above average temperatures and equal chances for above or below average precipitation through December.





Director Kelly asked how the Corps was doing on revising the water control manual so they could store native water in Abiquiu the next year. Mr. Casuga replied they had productive conversations, and all indications are the Corps will be complete with all items that they control by January 31. He also stated the District is working with the Bureau of Reclamation and ABCWUA to secure the sub allotment agreement contracts.

Discussion ensued. Mr. Casuga added he expected to be out of Article VII around Christmas but would not be out of Article VI of the Rio Grande Compact. He stated that once they finished the sub-allotment agreement contracts with the new water control manual, they could proceed faster on discussions with the State on relinquishment credits.

Director Jiron asked about an El Vado update. Mr. Casuga answered Reclamation would come to the November meeting with a construction update.

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

Ms. Marken reiterated that the amount of water coming into the middle Rio Grande was enough to meet prior and paramount demand but not enough to meet all of MRGCD's irrigation demand.

Mr. Casuga added that when water became available for the irrigators to please take it because they did not know when it would come around again.

See Appendix "A" for Matt Martinez's written report.

**AGENDA ITEM NO. 7- ITEMS FROM THE FLOOR (Comments are limited to six (6) minutes)**

**Mark Garcia**

Mr. Garcia, president of Farmers for Future Farmers, discussion was had at the last meeting regarding work orders and said there were many farmers that needed turnouts repaired. He asked what the process was to get that done and who the irrigators go to regarding this matter.

**Santiago Maestas**

Mr. Maestas, an irrigator and commissioner on the Pajarito Acequia, stated they had a meeting and there were comments from irrigators regarding trash in the acequia making it difficult to walk along the acequia to get to turnouts. Regarding irrigation scheduling, he said it's difficult to maintain a good pressure head on the acequia. He proposed getting capital outlay funds from legislators to use funds to make improvements, such as, a long crested weir on the Pajarito Acequia to even out the distribution of water. He provided copies of the MOA between MRGCD and the Pajarito Acequia for year 1935.

Director Kelly stated that to install a long crested weir, it would take a hydrologic analysis of the system including crossings and culverts. He also added the District has state money for projects out to bid, and other than a rough engineer's estimate, he felt the District would not be able to provide any conceptual drawings or very much in advance of the legislative session. He asked for patience as the District's short staffed with huge priorities currently, such as, a collapsed culvert in the Isleta Pueblo project.

**Jerry Montañó**

Mr. Montañó stated they had a problem with ditch riders. He said they do not answer the phone and asked about the procedure. He also said he was told a turnout would be fixed that had not been from last year. He asked if or when the design of the pumping station would be on the website.

Mr. Casuga spoke on the Feeder 3 project which is going out for a preliminary alternative or alternative analysis. The District doesn't have all the funding needed for a project like that. He said they are seeking grant funding, gathering what's feasible to scale the project and then apply. He stated there will be a public process to the alternatives for the feeder and that it would be advertised.

Director Baca added that the preferred method is to follow up through District staff and the chain of command, that the board of directors can be called also.

### **Dan Krupiak**

Mr. Krupiak said the property line issue he brought up at last month's meeting was not taken care of as promised. He said the property was causing him \$4,000 per month in interest while he was waiting.

Mr. Casuga stated the District as a government agency follows a procurement process and said the survey would be done towards the end of the week. He reminded him of their phone conversation saying if it required a board action he would bring it to the Board. If not, he said he had great discretion to settle once he reviewed and understood the survey.

### **Tony Tafoya**

Mr. Tafoya said the last irrigation for the Sandoval Lateral from Dixon Road to the south end was August 3rd and the pumps shut down August 17th. He talked about all the plants he's lost in the past two years and the trees currently in danger. He said he took a ride to see how the El Vado Dam was coming along and was disappointed on the progress. He felt the siphon project was by far the most important to get done now. He felt the pumps could be lowered to get some of the river water and Corrales could enjoy rotation of water at least once a month.

### **Troy Richardson**

Mr. Richardson thought storage at Abiquiu was very important and wondered why the agreement wasn't in place before construction began at the El Vado dam. He also felt the bosque riparian zone problem needed to be solved. He stated the District should be working with the Bureau of Reclamation and whatever other agencies that will cooperate on thinning the bosque through the middle Rio Grande and farther down to get our delivered water to Elephant Butte.

Director Kelly asked Mr. Tafoya and Mr. Richardson to attend the November meeting when the Bureau will brief the board on the El Vado Dam.

## **AGENDA ITEM NO. 8 - REPORT(S) FROM THE HUMAN RESOURCES DEPARTMENT - Christine L. Nardi, MBA**

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

Ms. Nardi announced MRGCD new hires and any job changes which included an ISO for the Belen Division in Valencia County and a promotion for the Right-of-Way Supervisor in the General Office. She reported that the vacancy rate sat at 10%.



# Memorandum

**To:** MRGCD Chair Russo-Baca and Board of Directors  
**Through:** Jason M. Casuga, Chief Engineer/CEO  
**From:** Human Resources  
**Date:** October 9, 2023  
**Re:** Introduction of New Hires and Job/Title Changes

**General Office**

PAUL	ARAGON	IRRIGATION SYSTEMS OPERATOR	10/2/2023
MICHAEL	PADILLA	RIGHT-OF-WAY SUPERVISOR	10/2/2023 PROMOTION

**AGENDA ITEM NO. 9 - REPORT(S) FROM THE SECRETARY-TREASURER/CFO - Pamela Fanelli, CMA, CGFM**

**a. Consideration/Approval for Resolution #BA-10-09-23-92 for Budget Adjustment for the Highway 147 Project**

Ms. Fanelli submitted Resolution BA-10-09-23-92 for a budget adjustment in FY24 at \$3.1 million to pay for the unforeseen collapse of the culvert crossing of New Mexico Highway 147, at the Isleta Riverside Drain and two additional unanticipated crossing damages at the Albuquerque Main Canal at station 400+00± and the Bosque No. 2 Lateral at station 30+00±.

Director Kelly reported that the Finance Committee discussed the matter and moved to approve the resolution.

Director Kelly made the **MOTION TO APPROVE RESOLUTION #BA-10-09-23-92 FOR BUDGET ADJUSTMENT FOR THE HWY 147 PROJECT.** Seconded by Director Jiron. **The MOTION CARRIED UNANIMOUSLY.**

**b. Consideration/Approval for Resolution #M-10-09-23-203 for the Equipment Loan Application to NMFA**

Ms. Fanelli submitted Resolution #M-10-09-23-203 for approval to apply for an equipment loan to NMFA in the amount of \$2,964,945. She said the budgeted amount of the loan was originally \$2,175,000. The increase is because the District will be spending approximately \$800,000 on the unanticipated infrastructure failures from the Capital Investment Fund. She continued saying that they are increasing the amount of the loan to purchase much needed equipment. She added that this increase in the budget was just approved in the previous budget amendment.

Madam Chair Russo Baca made the **MOTION TO APPROVE RESOLUTION #M-10-09-23-203 FOR THE EQUIPMENT LOAN APPLICATION TO NMFA.** Seconded by Vice Chair Dunning. **The MOTION CARRIED UNANIMOUSLY.**

**c. Consideration/Approval for Resolution #M-10-06-23-202 Authorizing the Execution and Delivery of the Corrales Water Trust Board Grant/Loan**

Ms. Fanelli submitted Resolution #M-10-09-23-202 to authorize the execution and the delivery of the Corrales Water Trust Board Grant/Loan. The grant amount is \$6,372,000, the loan amount is \$708,000 and the District match is \$1,416,000 for the total cost of the project of \$8,496,000.

Vice Chair Dunning made the **MOTION TO APPROVE RESOLUTION #M-10-06-23 202**. Seconded by Madam Chair Russo Baca. The **MOTION CARRIED UNANIMOUSLY**.

**d. Consideration/Approval of the First Quarter Financial Statements and Finance committee report - Pam Fanelli, CFO and the Report on the Finance Committee Meeting, October 6, 2023 - Directors Kelly, Dunning and Barbara Baca**

Ms. Fanelli reported that the District has not received the first half of the 2023 tax distribution, so currently revenues are low, and expenditures are high. She said they depend on the reserves to pay the bills in the first quarter. Revenues for the general fund totaled \$850,000, and expenditures totaled \$5,800,000. She also provided the budget to actuals for the debt service fund, the grant fund, and the capital investment fund.

Mr. Kelly reported that the Finance Committee reviewed the first quarter and said MRGCD is spending money off of reserves until the taxes start arriving in December and January, and then the second round in May and June. He agreed that they're behind in revenues and ahead in expenses. He felt it'll be resolved eventually and added MRGCD is not required to submit this to DFA but will submit the final quarter to DFA (NM Department of Finance and Administration).

Director Kelly made the **MOTION TO APPROVE THE FIRST QUARTER FINANCIALS AS PRESENTED AND THE REPORT ON THE FINANCE COMMITTEE MEETING**. Seconded by Vice Chair Dunning. The **MOTION CARRIED UNANIMOUSLY**.

**AGENDA ITEM NO. 10 - REPORT(S) FROM THE PROCUREMENT OFFICER - Richard DeLoia, CPO**

**a. Consideration/Approval of the Peralta Pedestrian Bridge Installation**

Mr. DeLoia presented for the approval of the Peralta pedestrian bridge installation and requested approval for the installation and construction to Lopez Precision, LLC for \$137,821.17 including tax. He stated this project is awarded through the current MRGCD on-call construction contracts, which were obtained through the request for proposal process.

Mr. Casuga said this is for the capital appropriations 21-F4090. He stated it's a culmination of multiple years' worth of work for which the District received capital outlay money. Not a fast process, he said they are in the third year, but this will be the final construction and placement of the bridge.

Madam Chair Russo Baca welcomed Andrew Hautzinger to come forward as the bridge is part of the Whitfield Wildlife Conservation area. Mr. Hautzinger, on behalf of the board of directors of Valencia Soil and Water Conservation District, said they were very thankful for the continued support and partnership of the MRGCD.



Director Kelly made the **MOTION TO APPROVE THE AWARD OF THE PERALTA PEDESTRIAN BRIDGE INSTALL TO LOPEZ PRECISION IN THE BID AMOUNT OF \$127,538.39 PLUS TAXES AS MAY BE APPLICABLE AS MAY BE CHANGED BY THE STATE DURING THE COURSE OF THE PROJECT.** Seconded by Vice Chair Dunning. The **MOTION CARRIED UNANIMOUSLY.**

**b. Consideration/Approval of the NM 147/Isleta Drain Emergency Culvert Replacement**

Mr. DeLoia requested approval for the replacement of the damaged Isleta Drain Culvert Crossing under NM 147 within the Pueblo of Isleta to AUI Incorporated for \$2,241,632.99 including tax. He stated this project is awarded through the current MRGCD on-call construction contracts, which were obtained through the request for proposal process.

Further discussion ensued regarding the wage scale with Mike Rocco from AUI Inc. He went on to explain that this will be a unique project utilizing tunnel boring method, which he stated is very tough construction. He said approximately 450 feet of tunnel boring underneath Highway 147 and also the Belen Highline Canal. He continued saying it's a massive de-watering also, pipe inside a pipe, dual containment pipe. He hoped for no disturbances as the traffic lanes would be open at all times.

Director Kelly made a **MOTION TO AWARD THE CONTRACT TO AUI INC. FOR \$2,241,632.99 INCLUDING NMGRT WITH THE CAVEAT THAT WHEN WE GET THE WAGE RATE DECISION, WE LOOK AT THE LABOR COMPONENT OF THE PROJECT.** Seconded by Director Sandoval. The **MOTION CARRIED UNANIMOUSLY.**

**c. Consideration/Approval of Feeder No. 3 Pump Station Planning and Conceptual Design**

Mr. Deloia requested approval for the Belen Feeder 3 pump station alternative analysis and conceptual design task order to Bohannan Huston for \$148,453.08 with tax. He stated this project is awarded through the current MRGCD on-call construction contracts, which were obtained through the request for proposal process.

Mr. Casuga added it included an alternative analysis that will conform with USDA bulletin 17-80-2. He felt it's important as they want to be able to use all of this work to apply for grant funding, be that BOR, USDA, and hopefully couple that with some state in our funding as well. He said this needs to conform so that it doesn't eliminate the District's ability to apply for funding opportunities to help fund final design and construction.

Director Kelly made the **MOTION TO APPROVE THE ENGINEERING SERVICES TASK ORDER WITH BOHANNAN HUSTON FOR THE FEEDER 3 BOOSTER STATION IN THE AMOUNT OF \$148,453.08 INCLUDING NMGRT.** Seconded by Director Jiron. The **MOTION CARRIED UNANIMOUSLY.**

**AGENDA ITEM NO. 11 - REPORT(S) FROM THE CHIEF OPERATING OFFICER - Eric Zamora, PE**

**a. MRGCD Division Manager Updates - Derek Jarner, Albuquerque Division Manager**

Mr. Jarner felt things were going well. He reported that he manages 46 employees within the division with a 9% vacancy rate. He felt lucky to have good, hard-working crew. He said the

division boundaries' shifted and they were spending more time in Isleta due to levee issues. He said trees were a big topic of discussion and the costs of tree removal had gone up. Mr. Jarner stated the Land and Licensing Team received 49 public requests this year from the public of which 41 are in the Albuquerque Division. He expressed that the main infrastructure needs and issues in the Albuquerque Division lie within Corrales at the Corrales Siphon, an Isleta, Highway 147.

Director Baca asked for an update on the Carson Zearing ditch fences and gates. Mr. Jarner replied that they removed fencing along Carson Road on the Alameda Drain, mostly at the crossings, and south down to Mountain Road. Mr. Casuga added the one the director is inquiring on is a different right of way encroachment issue which is pending.

Vice Chair Dunning inquired on what they did with the debris after clearing. Mr. Jarner said they gave some wood chips to Corrales Fire Department, hauled some to stockpiles and some to the dump.

Vice Chair Dunning also asked how the division is preparing with the tree issues between natural aging and that they're reaching the end of their life span, climate change, and drought stricken. Mr. Casuga wished he could give a better financial outlook for trees in the future, but the best thing they could do was spend the money they allocated annually.

Madam Chair Russo Baca requested a ride along of the divisions for Director Jiron. Mr. Casuga stated they will definitely do that as part of training for new directors. That will involve the division manager and the chief operations officer to understand all the operation challenges. He said he can participate also, if needed, regarding discussions about ongoing legal actions in different areas.

Eric Zamora added that they would be meeting to discuss winter work list. This is the time of year where we get together and start looking at our offseason work, what needs to be done prior to March 1 irrigation season. He said they are coordinating with BIA's designated engineer to review all the pueblo work awaiting their feedback. Also he reported he will be contacting Valencia County and Bernalillo County emergency management in preparation for what is shaping up to be a good El Nino and hopefully some good snow pack.

#### **b. Report on the Homelessness Initiative**

Mr. Zamora gave a background on several meetings over the last few years with Valencia County Sheriff's and Valencia County administration regarding homelessness issues. He said they had to start talking about how to approach a trespass with a camper. He said the steps were to identify that camp, make contact with the camper, and ideally remove camps, but there were several legal and procedural issues. Have they given proper notification and what is the status of that notification. Legally, does a camper have X number of days to remove their encampment or do they have to be notified X number of days in advance. He stated our legal staff would provide some commentary on an order or a preliminary injunction that was issued in the second judicial district that provides that campers have personal property rights to the items they have in the encampments. He said they wanted to know how to deal with it properly and not violate anyone's civil rights. He said they had an issue with the sheriff's office wanting the District to take the lead in making contact with an individual on the levee that was shooting with a firearm. Mr. Zamora said they were aware homeless people had rights and they did not want to violate that, but also wanted them to exist in a safe manner and not to pose any dangers to the public or bosque.

Director Baca said he was concerned about the recent ruling and felt they would have more encampments in the winter which could potentially lead to fires. He said they really needed to address it more.

**AGENDA ITEM NO. 12 - REPORT(S) FROM THE CHIEF ENGINEER - Jason M. Casuga, PE**

**a. Report on the Centennial Luncheon, September 28, 2023 - Jason M. Casuga, CE/CEO, Chair Russo Baca, Vice Chair Dunning, and Directors Kelly, Joaquin Baca, Duggins and Barbara Baca**

Amanda Molina, the PIO, said the Centennial Lunch was a success and she had gotten some great feedback. She gave credit to John Fleck for a job well done and the wonderful storyteller he is. She's working on getting the video and photo on the website. She thanked everyone who helped put it together and everyone who came. She specifically wanted to thank Tarah Jaramillo in helping her keep organized and keeping the event moving smoothly; Yasmeeen Najmi for doing a wonderful job choosing those historic photos in the gallery and Josh Hind for being super helpful in the audio and visual.

Discussion ensued. Mr. Casuga added that Mr. Fleck's presentation was very engaging, and he had received nothing but positive feedback. He said it gave them a vision for what 2025 could be like.

Dr. DuMars suggested for the next celebration they could integrate the rich pueblo history. He felt Mr. Fleck did a wonderful job of taking the formation of the District, but there has been 200 years of history prior to that, and he felt that might be something to think about.

**b. Report on the Abiquiu Storage Environmental Compliance Meeting, September 25, 2023 - Jason M. Casuga, CE/CEO and Casey Ish, Conservation Program Supervisor.**

Casey Ish said they were making good progress on securing storage in Abiquiu for 2024, but they had to keep some things in mind, like the obligation on behalf to the Water Utility Authority and MRGCD to secure for the new sub allotments with access for 40,000 acre feet of storage. He said a big step in front of them is final cultural review. He said they had a meeting with the Water Utility Authority the next day and would hopefully have an estimate on a contract by the end of the week. Mr. Ish added they currently had about 53,000 acre feet of relinquishment credit with the state.

Mr. Casuga asked the board to imagine a system and flexibility having both the ability to store both native and San Juan Chama water at El Vado and Abiquiu.

**c. Report on the Water & Natural Resources NM Legislative Committee Meeting, October 3, 2023 - Jason M. Casuga.**

Mr. Casuga said he was there on the panel with the State Engineer, Interstate Stream Director, EBID, and Sierra County Soil & Water Conservation. He said they talked about southern water issues and compliance with the Compact. He stated he wanted to focus on MRGCD water management and the objectives there, which were meet irrigation demands, operate in a manner that helped keep New Mexico out of debt status, and comply with ESA obligations. Mr. Casuga said he listed everything the District committed to from 2020 to 2023 and also put it out there that they needed to stop calling it the Low Flow Conveyance Channel and call it what it is a compact compliance channel or a compact conveyance channel. He said water was coming

out, but the drain accumulated it all and it never went back to the river, which was required. He said they were fighting to have an outlet opened up to allow it to drain and operate like a drain. Mr. Casuga added that the channel had the potential to benefit the lower Rio Grande, middle Rio Grande, and the ecosystem. He asked for trust in them to do what they needed to do.

Director Baca said he was for the use of the Low Flow Conveyance Channel and strongly advised not to use the word “wasted” water because it led to an erroneous belief.

Dr. DuMars stated that the settlement between New Mexico, Texas, and Colorado said if Elephant Butte Irrigation District failed to get enough water at the accounting point at the border, then basically they would be forfeiting and would be handed over to EP Number One, the district in El Paso.

**d. Report on the Inaugural Meeting Coalition of Rio Grande Water Users, October 3-5, 2023 - Jason M. Casuga, CE/CEO, Chair Russo Baca, Vice Chair Dunning and Director Sandoval**

Mr. Casuga said he believed it was the first right step and came away excited about adding both municipalities, representatives from Colorado, and hopefully Texas on planning next year’s.

Madam Chair Russo Baca concurred it was a great event and hoped it continued year after year. She stated she appreciated the fact that there was tribal leadership there and were recognized.

Vice Chair Dunning stated it went well and was happy it was going to continue. She added that for one of the luncheons, the keynote speaker didn’t show up and Jason Casuga did a really good job, emphasizing about collaboration. She learned much from Casey Ish’s presentation.

**e. Report on NM Watershed & Dam Owners Coalition Conference, October 4-6, 2023 - Alicia Lopez, Engineering & Mapping Manager**

Matthew Chavez felt the conference was very insightful and there were many key speakers on different projects going on around New Mexico. He learned new facts about watershed, and the irrigation policies. He appreciated the opportunity.

Mr. Ish said it was really a conversation between two distinct watersheds. He said MRGCD was not set up to adequately capture supply coming out of the lowland but well set up to capture out of the high country. He said they needed to think about how they would capture the water, manage it, and make sure it stayed on the landscape for as long as possible to benefit everyone who needed it.

**f. Update on the Six Middle Rio Grande Pueblo Coalition Meeting, October 6, 2023 – Jason M. Casuga, CE/CEO**

Mr. Casuga said this meeting was cancelled; no discussion was had.

**g. Upcoming Events**

- 1. RGALT 2023 Annual Fundraiser Harvest Dinner, Gutierrez Hubbell House - October 14, 2023**
- 2. Latinos Farmers & Ranchers International El Congreso 2023, Isleta Resort & Casino October 26-28, 2023**
- 3. Annual Tribal Water Law Conference, Hilton Historic Plaza - November 6-7, 2023**

#### 4. 2023 CRWUA Conference, Paris Las Vegas Hotel - December 13-15, 2023

Mr. Casuga gave an update on all the upcoming events.

#### **AGENDA ITEM NO. 13 - REPORT(S) FROM THE MRGCD ATTORNEY(S) - Chief Water Counsel or General Counsel**

Ms. Wiggins stated she had matters for executive session but nothing for the open session.

Dr. DuMars said the hearing examiner put out a very detailed schedule about what would happen and how witnesses would be, with a starting date between January and March. He said his key witness is Mike Hamman, the principle author, who put together the proposal for the public interest. The hearing examiner wants to know whether or not it's in the public interest to do a PBU for the Middle Rio Grande Conservancy District.

Madam Chair Russo Baca asked for an update on the MOU with La Joya. Mr. Casuga said they were supposed to have a meeting, but they had not heard back on that yet. They've drafted an MOU and are still waiting for feedback from LaJoya on the desire to enter into the MOU and/or negotiate any potential modifications for the MOU for them to enter in.

Vice Chair Dunning asked if the Supreme Court had a calendar for a new session when they might hear that. Mr. DuMars said he believed the Supreme Court would affirm the settlement.

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

##### **a. Report on the Belen River Park Discussion, September 12, 2023 - Chair Russo Baca**

Madam Chair Russo Baca stated that she and Yasmeen Najmi met with Lena Benavidez, the public works director at Valencia County about Willie Chavez Park along with Danny Monette and folks from Rio Communities. She received word that the county commissioners were interested in taking the project on again. She added the county was looking to go after planning funds for recreation for their parks and rec.

##### **b. Report on the Valencia County Soil and Water Conservation District Desert Willow & Pollinator Festival, September 16, 2023 - Chair Russo Baca**

Madam Chair Russo Baca stated it was a great event and had a field day where you could volunteer to do some additional clean up and planting. She mentioned MRGCD works really closely with the VCSWCD and hoped that Director Jiron will begin attending to work with them.

##### **c. Report on the NM Water Law Conference, September 18-19, 2023 - Chair Russo Baca and Directors Joaquin Baca and Sandoval**

Director Baca said it was a great conference. He networked and said he loved going to those.

Director Sandoval felt that much was discussed and said it was very informative.

Chair Russo Baca offered to send some of the slides if the board was interested.

##### **d. Report on the Conservation Advisory Committee Meeting, September 21, 2023 - Chair Russo Baca**

Madam Chair Russo Baca said it was a well-attended meeting with a hydrology update, talks about the last delivery of the San Juan Chama water, and the Story Wasteway project. She announced that the MRGCD filled the agricultural irrigation specialist position. She said she's looking forward to discussing goal is within the on-farm efficiency programs.

**e. Report on the Corrales Bosque Advisory Commission, Ravenna Seed Head Elimination Project, September 23, 2023 - Chair Russo Baca**

Madam Chair Russo Baca knew that ravenna grass is extremely invasive here in the bosque but in Corrales they do a cleanup once a year and encouraged everyone to go to spend time in the bosque and cut the seed head of the Ravenna grass to keep it from spreading.

Vice Chair Dunning made the **MOTION TO EXTEND THE MEETING PAST 6:00.** Seconded by Director Baca . **The MOTION CARRIED UNANIMOUSLY.**

**f. Report on the NM Ag Water Use Geospatial Database & Funding Opportunities Meeting, September 25, 2023 - Chair Russo Baca**

Madam Chair Russo Baca said it was an interesting meeting with the Thornburg Foundation on Ag water use and geospatial databases and funding opportunities. She wasn't sure which would be the right department about how they're using data to determine how much is actually being saved through either fallowing programs or just on-farm efficiency programs. She stated there was potential funding.

**g. Report on the Great NM Chile Taste-Off, October 07, 2023 - Chair Russo Baca**

Chair Russo Baca stated that Director Duggins attended also. She said they had a good turnout even though it was a little less than previous years due to the time change. She stated there were a few other vendors there, including the Socorro Soil and Water Conservation District.

Lorna Wiggins said she attended, and she and her sister became judges in the Chile Taste-Off for a couple who could not attend. She qualified as she is general counsel to the District as well to the Socorro Electric Co-op and her sister who is retired and finished a month of cooking lessons in France. She said there were 11 chiles to test and one had some authority. She heard that people appreciated the MRGCD's involvement.

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

Chair Russo Baca requested a motion to move into Executive Session at 6:09 p.m.

Chair Russo Baca made the **MOTION TO GO INTO EXECUTIVE SESSION.** Seconded by Director Kelly. Rollcall vote was administered with all members voting yes. **The MOTION CARRIED.**

Director Jiron	Yes	Chair Russo Baca	Yes
Director Sandoval	Yes	Vice Chair Dunning	Yes
Director Kelly	Yes	Director Baca	Yes

**AGENDA ITEM NO. 15 - 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

Chair Russo Baca requested a motion to move back into Regular Session at 6:37 p.m.

Director Kelly made the **MOTION TO GO BACK INTO REGULAR SESSION.**  
Seconded by Vice Chair Dunning. Rollcall vote was administered with all members voting yes.  
The **MOTION CARRIED.**

Director Jiron	Yes	Chair Russo Baca	Yes
Director Sandoval	Yes	Vice Chair Dunning	Yes
Director Kelly	Yes	Director Baca	Yes

Mr. Casuga said during the executive session, they talked about homeless encampments and regarding specifically the current case before in Bernalillo County, Ladelle Williams v. the City of Albuquerque regarding a preliminary injunction about homeless encampments and their constitutional rights. He asked the Board if legal counsel and he could be given the authority to file an Amicus brief on this case if deemed necessary by our counsel. And depending on how this progresses, also be given the ability in consultation with our council be given the ability in consultation with myself, to authorize Ms. Wiggins to actually intervene and for the MRGCD to ultimately intervene in this case if she deems necessary with counsel with me. This is an issue regarding much of our land. We are a large land manager, and he believed this is something that we need to be on the forefront with.

Director Baca made the **MOTION TO APPROVE FILING AMICUS BRIEF, IF NECESSARY.** Seconded by Director Kelly. **The MOTION CARRIED UNANIMOUSLY.**

With no further comments, questions, or concerns, Madam Chair Russo Baca adjourned the meeting at 6:38 pm.

Approved to be the correct Minutes of the Board of Directors of October 9, 2023.

**ATTESTED:**

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Pamela Fanelli, CMA, CGFM  
Secretary-Treasurer/CFO

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Stephanie Russo Baca, Madam Chair  
MRGCD Board of Directors

## ***Appendix "A"***

Matt Martinez, Water Distribution Manager's Board Report  
October 9, 2023

The month of September did not start off well, but it turned out to be better than it could have. During the first week of September, the water supply dropped to the lowest amount of the entire season. Irrigation deliveries to non-Pueblo lands north of Isleta had been suspended and for several days there was very little water available to Belen and Socorro Divisions. The Bureau of Indian Affairs was even contemplating a release of Prior and Paramount water.

On September 11, mother nature began providing meaningful rainfall. These rain events in mid-September did not produce an abundant supply, but it was enough to ease irrigation demand and temporarily boost diversions. Rain inflows above Cochiti Dam helped prop mainstem Rio Grande flow for over a week. However, by late September, river flow returned to a season low causing another suspension of irrigation deliveries to non-pueblo lands north of Isleta Pueblo and again hampering supplies to our southern divisions.

Rain forecasts the last day of September and first week of October gave us reason for hope, but unfortunately these thunderstorms did not initially result in an increase to the irrigation supply. After a brief delay between rain events in the upper Rio Grande valley and two small increases to the Cochiti Dam release last week, we are again making irrigation deliveries in all four divisions.

Temperatures have let up and the irrigation demand has dropped overall, as it normally does this time of year. However, the supply is still not enough to meet the demand. Many water users have not received water for many weeks and are patiently awaiting a fall delivery. Others are taking a chance at fall planting and hoping for a follow up watering.

It is difficult to balance the needs of water users when there is not enough water to go around. And it is challenging to schedule with the water supply and demand at Isleta Dam varying day to day. Our irrigators system operators are doing their best to distribute as equitably as possible and come back to dry fields and new seed. Water is being rotated through the system as supply allows. It is getting increasingly difficult to route water to southern areas. I would like to thank our irrigators and farmers for their cooperation and patience dealing with shortages this season.

Fall is in the air. The season is winding down and the water distribution team is preparing for off season work. We will continue diverting and delivering available supplies until October 31<sup>st</sup> for non-pueblo users. We expect to divert for the six middle rio Grande pueblos until November 15<sup>th</sup>. Next month I will provide a summary of the season and an update on winter projects and activities.

Madam chair/ directors, I'd like to thank all of you for your support and guidance this season. For those of you who will not be returning for the next term, I wish you good luck. For those who are returning and joining the board, I look forward to working with you in the future.