

**MINUTES OF THE  
2,218th REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF THE  
MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

**DECEMBER 9, 2024 - 3:00 PM**

Directors having been duly notified; Chairman Kelly called the regular meeting to order at 3:04 pm. The following Directors and Staff were present:

**DIRECTORS**

John P. Kelly, Chairman	Present
Colin T. Baugh, Vice Chairman	Present
Brian Jiron, Director	Present
Stephanie Russo Baca, Director	Present
Glen Duggins, Director	Present
Micheal T. Sandoval, Director	Present
Karen Dunning, Director	Present

**STAFF**

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

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

Wayne Pullan, USBR	Patrick Taber, BIA	Amelia Barrow, MRGCD
Jacob Pauley, USACE	Jennifer Faler, USBR	Christine Nardi, MRGCD
John Fleck, Utton Center	Jared Miner	Amanda Molina, MRGCD
Pat Cordova	Bruce Jordan, USACE	Casey Ish, MRGCD
Emily Irwin, USACE	Ray Hartwell	Doug Strech, MRGCD
Ryan Gronewold, USACE	Stephanie McKenna, USACE	Tarah Jaramillo, MRGCD
Annalisa Porter	Arcie Chapa	Marta Moerch, MRGCD
Estella Gamboa, MRGCD	Mark Sanchez	Steve Kinberger, MRGCD
Mike Padilla, MRGCD		

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

Wayne Pullan led the Pledge of Allegiance at today's meeting.

Chairman Kelly declared a quorum, and the meeting was publicly noticed. This meeting was a hybrid meeting with Director's Dunning and Sandoval attending virtually.

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

Mr. Casuga mentioned Jeff Wechsler was in DC and introduced Kaleb Brooks from Spencer Fane who sat in for him.

No changes were made to the agenda.

Director Russo Baca made the **MOTION TO APPROVE THE MEETING AGENDA**. Seconded by Vice Chairman Baugh. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

Director Sandoval	Yes	Chairman Kelly	Yes
Director Russo Baca	Yes	Vice Chairman Baugh	Yes
Director Jiron	Yes	Director Dunning	Yes
Director Duggins	Yes		

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

- a. **Consideration/Approval of Payment Ratification – December 9, 2024**
- b. **Consideration/Approval of November 2024 Invoice for Wiggins, Williams & Wiggins**
- c. **Consideration/Approval of November 2024 Invoice for Law and Resource Planning Assoc.**
- d. **Consideration/Approval of November Invoices for Spencer Fane LLP**
- e. **Consideration/Approval of the Minutes for the Regular Board Meeting – November 13, 2024**
- f. **Memo on MRGCD Approved Licenses for November 2024 (For Informational Purposes Only)**

Director Russo Baca made the **MOTION TO APPROVE THE CONSENT AGENDA**. Seconded by Director Jiron. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

Director Sandoval	Yes	Chairman Kelly	Yes
Director Russo Baca	Yes	Vice Chairman Baugh	Yes
Director Dunning	Yes	Director Jiron	Yes
Director Duggins	Yes		

#### **AGENDA ITEM NO. 4 - UPDATES FROM THE US ARMY CORPS OF ENGINEER - Jacob Pauley, USACE Senior Civilian**

Jacob Pauley gave updates on some of the projects they partner on. He first explained that as senior civilian, he has three roles, which are senior civilian of the organization, civilian deputy, and division chief. He gave some background into the District. He discussed project updates, including Phase 1 of the Mountain View Project and noted that they received the Bureau of Reclamation Historic Land Transfer. He discussed the funding situation related to the project for Fiscal Year 25, which was not included in the Senate or House bills. Mr. Pauley expressed that they cannot get to the project partnering agreement yet, so they have to use construction based funds. He traveled to D.C. and met with multiple members of the New Mexico delegation and spoke about the item at issue.

Mr. Casuga explained the Mountain View project to the new members of the Council.

Bruce Jordan, Deputy Chief of Engineering and Construction, gave an update on the Rio Chama Plug situation. He stated that ISC's contractor is due to complete the pilot channel today and the current flow condition is at 75 CFS. He explained that out of Abiquiu, they will be ramping up to 200 CFS to support flow through the pilot channel and then evaluate that. He said there are concerns about pushing flood directly into homes that are right on the river downstream of Ojo Caliente Confluence. They will evaluate the conditions weekly and sandbags have been provided to residents just in case. They have requested federal funds that will be matched by ISC with the Continuing Authorities Program to help with plug managements and sediments along the Chama.

Director Russo Baca asked if they can ask for funds in advance to be better prepared since sediment will continue occurring most likely in the future.

Mr. Jordan explained that they are tracking potential for specific projects to chase the plug, but there is also the Espanola Project in the Chama, so they are also considering the project that already has construction dollars tied to it.

Mr. Jordan responded that according to the Water Control Manual, they are at 1500 CFS limit for channel capacity to keep any damage minimal to all the diversion structures along the Chama.

Mr. Casuga asked if there was anything from WRDA 2026 that they can think about to assist in being able to do more and be more reactive for movement of water below Abiquiu for events like this.

Mr. Pauley answered that they do not have direct authority currently that would happen through a WRDA process to give them the authority.

Chairman Kelly asked if there is any thought to do a recon study to look at sediment control within the tributary arroyos.

Mr. Pauley stated that ISC and the state engineer have been discussing how to do a sediment management plan across the Rio Grande, which would include tributaries along that way. However, they have an existing authority, Planning Assistance to State, that already exists that they are targeting to where no additional authority would be needed through a WRDA process.

Mr. Casuga inquired if they have begun conversations with them about something similar to the regional permit they have pertaining to the Delta Channel for the 404 actions there so that we are more streamlined when they address it again because it will happen again.

Ms. Kelly Allen, Chief of Regulatory, responded that they do not have a blanket permit right now, but have permit tools they can use. However, if there is an emergency situation, they can issue a permit in less than 24 hours.

Chairman Kelly expressed that some of the permitting issues and definitions are concerning to him, including high water marks being based on a storm event and not a long-term dominant flow in a river system and acequia ditches turning into Water of the United States that are not tributary.

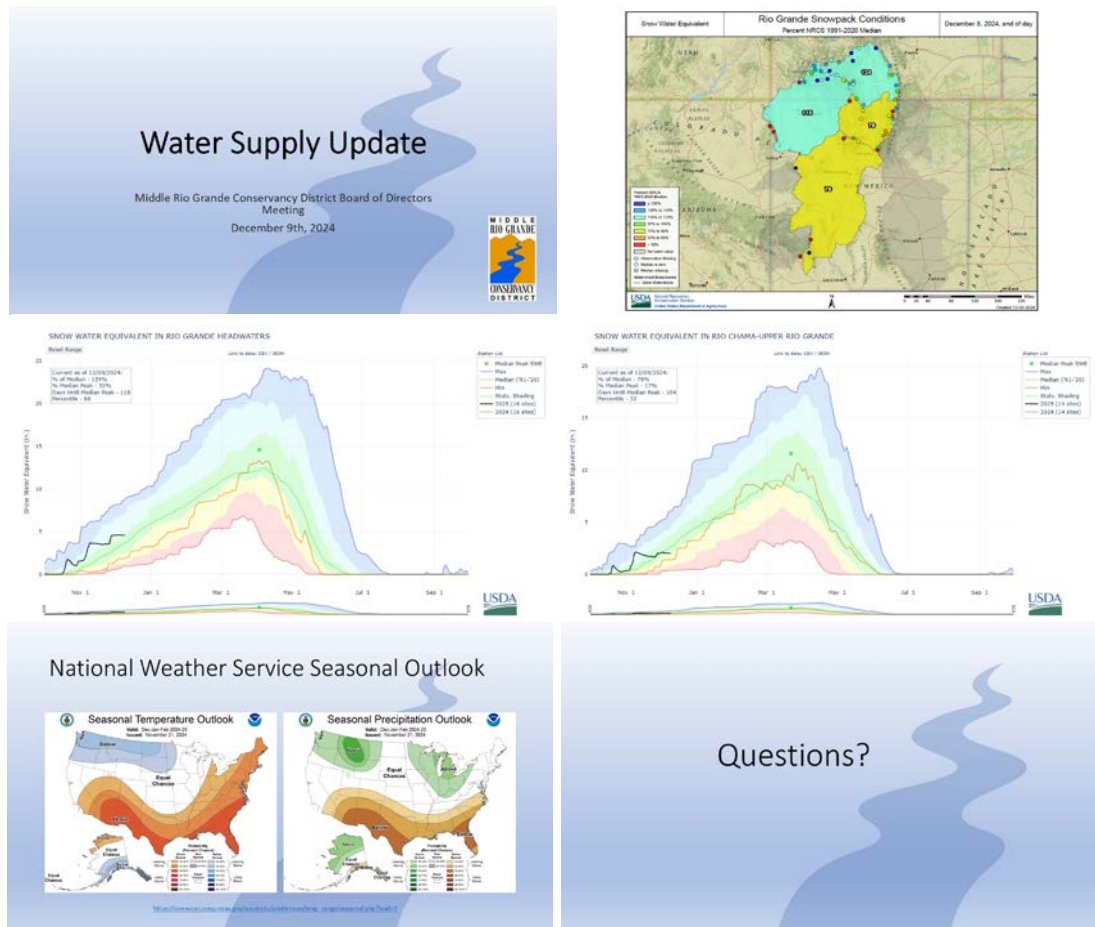
Mr. Pauley noted that right now authorization for the project purpose is flood control, but a different authorization would be needed for things related to minnow.

#### **AGENDA ITEM NO. 5 - REPORT(S) FROM THE WATER OPERATIONS AND DISTRIBUTION DIVISIONS**

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

Ms. Marken reported on water supply conditions. She stated that irrigation season is officially over and the season end turned out to be better than anticipated thanks to rain events, hard work internally, and collaboration. She noted there is currently about 15,000 acre feet of water and storage up in Abiquiu that needs to be moved down to Elephant Butte and if that water is moved before the end of the year, they will probably break even for 2024 Compact deliveries. She expressed that any water not evacuated from storage at the end of the year will be tagged as debit water and held until Texas asks for it to be released. Now their attention turns to monitoring snowpack conditions in the basin, and in the Rio Grande headwaters, snowpack is 124% of median, but that only represents 32% of peak median. Ms. Marken said conditions in the Rio Chama and Upper Rio Grande Basins are below median at 76%, which is 17% of peak median conditions. The

National Weather Service seasonal outlook predicts above average temperatures and below average precipitation, with drier and warmer conditions due to the expected development of La Nina.



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

Mr. Martinez reported on water distribution. He recapped the season. He stated that they are planning to publish the ISO logbook dashboard to the website to enhance transparency of irrigation deliveries. He talked about the implantation of the water distribution policy enforcement procedure and the new water data system. In the offseason, attention will turn to facilities maintenance and staff development, and they are closing monitoring snowpack conditions.

**AGENDA ITEM NO. 6 - ITEMS FROM THE FLOOR (Comments are limited to three (3) minutes)**

**Pat Cordova**

Mr. Cordova commented that he went through all the steps to get gates put by where he lives, but the ditch riders were against it and are leaving the gates open constantly. He asked if they can put a stop to that.

**Stephanie Russo Baca**

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Director Russo Baca congratulated Director Jiron on winning his election for council member for the Pueblo of Isleta.

Also see Appendix II for Elaine Hebard's written public comment.

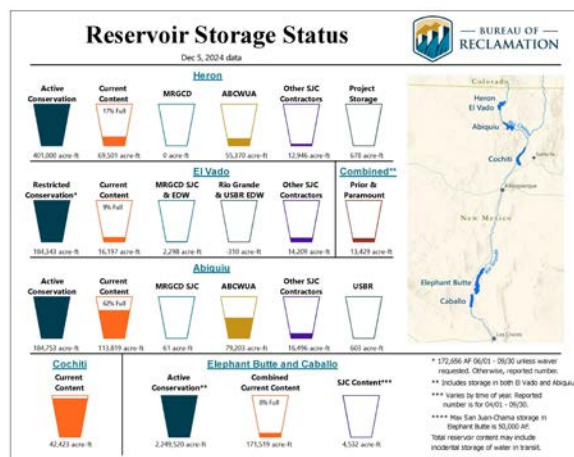
## **AGENDA ITEM NO.7 - REPORT(S) FROM THE DEPARTMENT OF THE INTERIOR**

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

Jennifer Faler announced that they are having a workshop on the Middle Rio Grande Endangered Species Collaborative Program, as Reclamation wants to re-tool the program into something that warrants the involvement of senior leaders of the agency. She added that they need a program along with the Wild Earth Guardian settlement and reconsultation that is effective in ESA compliance on the river. She gave an update on El Vado. She expressed that they are continuing the process to select a preferred alternative and they are having a partnering meeting with Reclamation to make sure they are all aligned between the region and engineers in Denver and the Safety of Dam Program Manager. Ms. Faler said they are currently working on a plan to start collecting the design data of all the alternatives on the table. She noted that the first fill is going well and there are no concerns of seepage so far. She added that Mr. Pullan helped them get another \$140 million for the lower San Acacia Reach Project.

Wayne Pullan thanked MRGCD for the field trip they went on in the summer and reaffirmed the region's commitment to the Rio Grande. He shared that they are in the process of reorganizing their regional office to make certain they have a deputy regional director that is principally responsible for Rio Grande and Pegos issues. He noted that they have members of President Trump's transition team in Washington D.C. and that transition is getting started, and his staff and people in Albuquerque will be doing extra work in the coming weeks to make sure they have prepared briefing material on all key issues. He explained that there are decisions they can make and programs they can run, but as civil servants, there will be issues that come up and they can take them as far as they can and try to come up with a solution, but there will be a political decision that will need to be made, so the process of reporting to political appointees is a good one.

Chairman Kelly stated that MRGCD appreciated the relationship they have and the storage agreement at Abiquiu Reservoir that gives them breathing room as they work through El Vado.



#### **MRGCD BOARD MEETING (12-6-2024)**

- Heron Summary**  
Content: 69,570 ac-ft (12/6/24)  
Arroyo tunnel: 0 cfs  
Total SJC inflow year-to-11/6/24: 73,600 ac-ft  
Currently releasing: 40 cfs  
Current MRGCD storage: 0 ac-ft
  - El Vado Summary**  
Total storage (all contractors and naturally): 16,193 ac-ft (12/6/24)  
Native in El Vado: 0 ac-ft  
MRGCD's SJC storage in El Vado: 2,299 ac-ft  
P & P: 0 ac-ft  
Other SJC contractors: 13,894 ac-ft  
Current release is 110 cfs RG inflow is 25-45 cfs
  - Storage in Abiquiu**  
Content: 113,852 ac-ft (12/6/24)  
MRGCD's SJC storage: 61 ac-ft  
P&P: 13,429 ac-ft  
  
Total supplemental water released in 2024: 9,761 ac-ft
- Spent Water Equivalent at SanTol Site as of 12/6/2024 (% of median)**
- | Basin                  | % of median |
|------------------------|-------------|
| Rio Chama Basin        | 30%         |
| Upper Rio Grande Basin | 135%        |
| Sangre de Cristo Basin | 85%         |
| Jemez Basin            | 98%         |
| San Juan River Basin   | 130%        |
- The State of New Mexico's contractor began sediment excavation in the Rio Chama channel below Abiquiu Dam on November 21. The State hopes that the channel capacity will allow release of 2023 P&P water by December 10.
  - The El Vado "first fill" evaluation is under way. The first stage - 6,800 ft (9-405 ac-ft or 5.5% of full) - was reached on November 7 and held through November 15. The next stage is 6,810 ft (16,297 ac-ft or 9.4% of full). It was reached on November 26 and will be held for 30 days. Depending on the results, a small amount of storage may be allowed in El Vado Reservoir in 2025.

### **b. Bureau of Indian Affairs - Patrick Taber, Acting Designated Engineer**

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Patrick Taber stated there has been one Coalition meeting since the last update, where there was talks on the issues concerning the plug, and there will be another meeting tomorrow. He shared that he sent out letters from the previous Board meeting regarding consultation on some government to government issues in regards to the season start-ups and budgeting issues, and he is awaiting response for those.

Chairman Kelly asked if they have gone through the list of winter work projects and if they have a package that is doable.

Mr. Taber responded there have been a few discussions with Mr. Zamora, and there is a lot to do for the offseason, but hopefully everything will be achieved.

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

**a. Introduction of MRGCD New Hires**

Ms. Nardi noted there were no new hires or promotions and reported the vacancy rate to be 9.52%.

**b. Consideration/Approval of the AI Use in the Workplace Policy**

Discussion was had and Ms. Nardi asked for approval of the AI Use in the Workplace Policy after a few tweaks were made.

Vice Chairman Baugh made the **MOTION TO APPROVE THE AI USE IN THE WORKPLACE POLICY**. Seconded by Director Duggins. Rollcall vote was administered and the **MOTION CARRIED**.

Director Sandoval	Yes	Chairman Kelly	Yes
Director Duggins	Yes	Vice Chairman Baugh	Yes
Director Dunning	Yes	Director Jiron	Yes

*\*Director Russo Baca was temporarily out of the room*

**AGENDA ITEM NO. 9- REPORT(S) FROM THE LEGISLATIVE COMMITTEE - Directors Russo Baca, Dunning & Baugh**

**a. 2025 MRGCD Legislative Agenda**

John Thompson stated the upcoming legislative session starts on January 21st, and legislation is working collaboratively with the Secretary of State to remove MRGCD from the Local Election's Act. They will have a general update call with them on the 16th and they should see a draft somewhere around Christmas. He stated that there will also be a piece of legislation related to special districts and their recreational ability that will be sponsored by Representative Cates. He added that he and Mr. Casuga will meet with Representative Cates on the 11th to discuss that and other issues. He voiced that they have four capital requests, which are capital to finish the Loretta Lane Project, capital for Valle Vista Elementary, traffic control, and water measurement devices.

**b. Legislative Event to Recognize MRGCD Centennial**

Mr. Thompson stated they will have an event at the legislature to recognize the Centennial, and Representative Cates is also sponsoring another legislation that has to do with property taxation.

Director Russo Baca added that the bill draft will include expanding the limit for not just private landowners, but also special districts, that would also include Soil and Water Conservations Districts as well.

Chairman Kelly asked if they should approach the Chairman and director of Game & Fish with their intent since that statute is within their section of state statutes.

Mr. Thompson agreed that is common courtesy. He noted that when looking at this statute, while it does say it relates to Game & Fish, there are also parts that have nothing to do with Game & Fish, so they should also reach out to the Acequia Association and Soil and Water Conservation.

Vice Chairman Baugh added that they have an exciting agenda with big things they have been working on and they are excited for Mr. Thompson to help them put it together and acquire the right players.

Director Dunning voiced that if their lobbyists need them to come up there as the legislative session goes through, they are more than willing to.

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

**a. Report from the Finance Committee Meeting, December 2, 2024 - Chairman Kelly, Director Dunning and Russo Baca**

Chairman Kelly expressed that they looked at structure of the District, income, revenues district-wide, licenses, and the standard by other irrigation districts in the state that charge a franchise fee for running fiber optic on the rights of way.

Mr. Zamora said that was something that could help ease the budget.

Chairman Kelly asked Mr. Zamora what kind of revenue they could pull in within the next five years based on what EBID and other irrigation districts do.

Mr. Zamora responded that based on the numbers, they could be looking at \$500,000 to \$750,000 a year.

Chairman Kelly added that he believes that is a big enough opportunity for them to ask Mr. Casuga and staff to pursue it further and develop a draft policy with procedures and a rate schedule.

Director Russo Baca asked if they could lose any license requests charging more, where people would go somewhere else and it even out.

Mr. Zamora answered that he believes the potential there is to continue operations for the foreseeable future, and at some point they will taper off broadband and fiber optic installations.

Mr. Casuga added that even if they charge a franchise fee, tearing up roads to put in lines in a paved road would be more expensive than paying their franchise fee.

**b. Set time for Special Meeting to Determine Water Service Charge & Water Bank Lease Rates**

Chairman Kelly suggested deferring both the water bank rate and water service charge to a special meeting before the February regular meeting.

Ms. Fanelli added that they will be going over the five year forecast in January.

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

**a. Consideration/Approval of Disposal of Land - Portion of the Harwood Lateral**

Mr. Zamora explained this is a continuation of the land disposal process for a portion of the Harwood Lateral. He explained that they were notified of a potential encroachment on the Harwood lateral, and they conducted field surveys to determine if there was an encroachment. They sought and submitted an appraisal. The Board determined the portion was excess and available for disposal, and the adjacent landowner made an offer that they have accepted for \$70,000.

Chairman Kelly noted that the Finance Committee looked at this and believe \$70,000 is a fair offer for the MRGCD and the new owner of the home.

Vice Chairman Baugh made the **MOTION TO APPROVE THE SELL OF THE PARCEL ALONG THE HARWOOD LATERAL FOR \$70,000.** Seconded by Director Sandoval. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED.**

Director Sandoval	Yes	Chairman Kelly	Yes
Director Duggins	Yes	Vice Chairman Baugh	Yes
Director Dunning	Yes	Director Jiron	Yes
Director Russo Baca	Yes		

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

**a. Report from the Public Information Officer, Amanda Molina**

Ms. Molina discussed the end of season wrap-up newsletter they developed to provide a good overview of accomplishments and important news for constituents to read about. She noted for the public that there is an email signup on the homepage of the website and encouraged them to get their addresses in there so they can receive important news. She talked about the Centennial event timeline that will be available on the website in January. She added there will be community events throughout the year.

Vice Chairman Baugh applauded Ms. Molina and Mr. Casuga for their dedication in getting information out to all their constituents in a precise and truthful way





# MRGCD

## 2024 Irrigation Season Wrap-Up



### WATER STORAGE UPDATE

**EL VADO DAM**  
The Bureau of Reclamation is set to evaluate the performance of El Vado Dam through a "first fill test" over the coming months. This test will involve incrementally raising the water level in El Vado Reservoir to assess the dam's stability and performance at various elevations. The results of the first fill test will help Reclamation better understand the reservoir and the potential water storage opportunity while undergoing Reclamation's Safety of Dams process. Visit the Bureau of Reclamation's website to read the full news release: <https://www.safetyofdams.com/newsroom/2024/09/24/el-vado-dam/>

**FARMERS SEE LONG-TERM BENEFITS**  
The Bureau of Reclamation, Abiquiueño Benítez County Water Utility Authority and the MRGCD reached an agreement to allow storage of Rio Grande water in the water authority's existing space in Abiquiue Reservoir for up to 10 years. Under this agreement, the ABOVIA allows for up to 100,000 acre-feet of combined storage for Prior and Present Land and MRGCD usable water in Abiquiue Reservoir. While this arrangement will help to supplement MRGCD's storage needs while El Vado is under construction, the usage of this water must still adhere to the Rio Grande Compact, which will place limitations on the amount of water that can be stored.

### INFRASTRUCTURE & INVESTMENTS

#### FINANCE & INVESTMENTS

- INVESTED \$2M IN CAPITAL PROJECTS AND ASSETS
- NEW SERVICE REQUEST MODEL FOR CONSTITUENT REQUESTS UNDERWAY
- MANAGED \$2M IN GRANT AWARDS, CONTINUED APPLYING FOR ADDITIONAL GRANT FUNDING TO SUPPORT CAPITAL IMPROVEMENT PLANS
- INTRODUCED AUTOMATED CLAIMING HOUSE (ACH), ENHANCING PAYMENT PROCESSING EFFICIENCY



**100 YEARS OF SERVICE IN THE MIDDLE RIO GRANDE VALLEY**  
2024 WILL MARK 100 YEARS SINCE THE FORMATION OF MRGCD. MRGCD EMPLOYS MORE THAN 200 NEW MEXICANS, WHO ARE DEDICATED TO FAITHFULLY OPERATING, MAINTAINING AND MANAGING IRRIGATION, DRAINAGE AND RIVER FLOOD CONTROL THROUGHOUT THE DISTRICT. THANK YOU FOR SHARING IN OUR COMMITMENT THAT SERVES AND PROTECTS THE VALLEY.

### IMPROVEMENT PROJECTS

MRGCD has 26 active engineering projects across the District's four divisions. From division-specific improvement projects to general initiatives to reduce flood risk along the Rio Grande, our team is working with partner agencies and contractors to improve infrastructure throughout the Valley.

The use of technology, including drone imagery and videos of a GIS database, helps the MRGCD engineering team evaluate all structures within the District. All projects, on and off-season, are geared toward making MRGCD's historic system more efficient and improving the long-term service provided to constituents.

## IRRIGATION REPORT

### >>> 2024 RECAP

Thanks to timely rainstorms and mindful water management, the Valley's water supply extended beyond initial forecasts, allowing for MRGCD water managers to meet required water deliveries to water users. The challenges water managers and users encountered include the sediment plugs along the Rio Chama, which limited flow from Abiquiue Dam and possibly the ability to manage spring runoff in the coming year. As with recent years, higher-than-expected temperatures and the ability to store water at El Vado continue to present obstacles for the District.

### >>> WHAT'S AHEAD

With the irrigation season at an end, MRGCD leadership will focus on staff development, technology integration, infrastructure improvements, and maintenance, while monitoring precipitation and snowfall this fall and winter to prepare for the 2025 season. With storage restrictions on native Rio Grande water still in place, middle valley engineers face potential water supply uncertainties as the next season progresses into late summer and fall.

For the upcoming season, MRGCD will be implementing an improved procedure to enforce its water distribution policy. All Irrigation System Operators (ISOs) will continue using the 100 Logbook Application, which was successfully launched this season and will be further refined.

### CONSERVATION PROGRAM

#### >>> ENVIRONMENTAL WATER LEASING PROGRAM

The EWLTP allows a water user to temporarily lease water back to the District either for a partial or full irrigation season. The purpose of the EWLTP is to reduce overall water demand and increase the flexibility of MRGCD's water resources. Over 2,000 acres were enrolled in the 2024 program. Prices per acre will be announced in early December; the program enrollment period is Dec. 18, 2024 - February 2025.

#### >>> ON-FARM PLANNING

MRGCD's On-Farm Program or OFP is intended to support small-scale infrastructure and farmland improvements. Projects range from but are not necessarily limited to improved turnouts and farm delivery paths, irrigation pipeline, control boxes, laser leveling, and land use assistance. Through a variety of funding sources and grants, MRGCD offers financial assistance.

### MRGCD CENTENNIAL EVENT TIMELINE



EVENTS & DATES ARE SUBJECT TO CHANGE. AN UP-TO-DATE TIMELINE WILL BE HOSTED ON [WWW.MRGCD.COM](http://WWW.MRGCD.COM)

**b. Consideration/Approval of the MRGCD Policy Manual Table of Contents - Jason M. Casuga, CE/CEO**

Mr. Casuga explained they wanted to get approval of the table of contents and begin the process of populating that table of contents, including finance, travel policy, etc., to try to create a unified policy manual.

Chairman Kelly asked if they believe the hierarchy of the 14 items were in the right order.

Mr. Casuga responded that he did not know if there was a right order, but is happy to move them around. He added the idea was to have one priority be bigger than the other.

Director Russo Baca made the **MOTION TO APPROVE THE TABLE OF CONTENTS FOR THE MRGCD POLICY MANUAL**. Seconded by Director Jiron Rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

Director Sandoval	Yes	Chairman Kelly	Yes
Director Duggins	Yes	Vice Chairman Baugh	Yes
Director Dunning	Yes	Director Jiron	Yes
Director Russo Baca	Yes		

**c. Report on the 2025 Environmental Water Leasing Program - Casey Ish, Conservation Program Supervisor**

Mr. Ish gave a summary of the 2024 leasing season. He said they had approximately 1,786 acres in the full season and 403 in the partial season that were spread out over 206 individual contracts. He added they were able to include some acreage through the on-farm program, and the total credit for 2024 per acre was about 2.5 acre feet. Total environmental water leasing program water credit was 5,914 acre feet produced, and 6,811 acre feet when including all other external inputs and sources of water. He stated they put 6,417 of that to use through various outfall deliveries and bypasses over the dams, and the remaining 394 acre feet was lost to the system, as they do not have a carry-over mechanism.

Amelia Barrow provided an update on the 2025 Irrigation Demand Management and Environmental Water Leasing Program. She voiced that the main goals of the program was to provide habitat support for endangered species, reduce Rio Grande Compact debt, and reduce overall water demand in the District. She explained the specific enrollment goals this year, which are to reach at least 3,000 full season equivalent acres to meet the 8,000 acre feet water budget objective, which is based on estimate water delivery needs for species support in Isleta Reach. She said they will offer partial and full season lease for irrigators, with the partial season being May 1st through August 31st and full season being March 1st through October 31st. The only change in requirements for 2025 is they are now requesting weed management during the full term lease, such as mowing, disking, grazing, and herbicide applications. Ms. Barrow expressed that payment will be \$300 per eligible acre for partial season lease and \$600 for full season lease. The biggest change for 2025 will be the new application portal for the program to increase efficiency and trackability and allowing applicants to see the status of their application in real time. They will also have the ability to edit if they need to make changes. She noted the enrollment period will be December 17th for the 2025 program.

Director Duggins voiced that the weeds need to be dead and mowing and grazing will not solve that problem, as cutting a weed off will only make it blossom bigger. He said it needed to be disked. He also asked what the goal was.

Mr. Casuga commented that the point is to allow them to make their decision for their land and they wanted to give them options. He stated that the purpose of the fallowing program is to prevent and not need to have irrigated water delivered there and they do not prevent any landowner from dry farming.

Chairman Kelly expressed that it is something they need to look at over the course of the year to see who makes the decision to mow or not. He asked how many complaints do they get resulting from the condition of the fallowed lands.

Mr. Ish said they encouraged folks to do weed management previously, and through monitoring efforts of the land enrolled in the program, they are now requiring it, which stemmed from a conversation they had with Socorro, where they had a large tract of land where weeds were beginning to accumulate and there was concern that if the weed went to seed it could cause regional issues for the adjacent land. He asked Director Duggins if he would be more comfortable to change the guideline to say disking.

Director Duggins responded to kill them dead and have clean land, whether that's disking or using herbicides.



**d. Report on the Latino Farmers & Ranchers Water is Life El Congreso, November 20, 2024 - Jason M. Casuga, CE/CEO, Director Russo Baca and Jiron**

Mr. Casuga stated it is good that MRGCD is attending these meetings, as there is a lot of energy around the amount of water they have and don't have and water quality. He said it is good to hear feedback and concerns in some of these other areas.

Director Jiron commented that the conference was unique and it was a diverse group of people explaining their experience.

Director Russo Baca also said it was a cool conference and she had the opportunity to sit on two panels and heard a lot of issues about the Rio Grande, what farmers are facing, irrigators in general, and the siphon.

**e. Report on the Valencia County Farmers & Irrigators Informational Meeting, November 21, 2024 - Jason M. Casuga, CE/CEO, Eric Zamora, COO, Tyler Otero, Belen Division Manager, and Chairman Kelly and Directors Russo Baca and Jiron**

Director Jiron stated they had a pretty good turnout and had a lot of good feedback from farmers who, for the most part, were pretty pleased with the amount of water they got this summer.

Director Russo Baca appreciated all the MRGCD staff that attended and answered questions. She pointed out that Ms. Marken did a good job. She said they talked about El Vado, water storage in Abiquiu, and the Rio Grande Compact.

Chairman Kelly said he noticed there were a lot of questions about the Feeder 3 Pump Station. He added that next time they go down there, they will have a good schematic of how that is going to work and where the water can go. He noted they passed their flood control authority question and he and Mr. Casuga pointed out how well that has worked in Bernalillo and Sandoval Counties and how the Conservancy District can be a key part of their drainage solution.

**f. Report on the Middle Rio Grande Flood Control Association Breakfast, December 3, 2024 - Jason M. Casuga, CE/CEO, Chairman Kelly, Vice Chairman Baugh and Directors Dunning and Russo Baca**

Chairman Kelly expressed it is a networking opportunity between federal, state, and local agencies. He appreciated the fact that all the board members sat at different tables and the staff was spread throughout.

Director Russo Baca voiced she did written reports on everything, including this one.

**g. Report on the Colorado River Water Users Association (CRWUA) Annual Conference, December 3-5, 2024 - Jason M. Casuga, CE/CEO, Casey Ish, Conservation Program Manager, and Director Russo Baca**

Mr. Ish stated that CRWUA was interesting this year, with the mess that the Colorado River is due to the sheer volumes they are working with, the number of people that rely on it, and how long the problem has persisted without being fixed. He pointed out that the current operations guidelines for the river end in a few years and there is a lot of discourse on how it will be operated post 2026. He noted that the conference was very

informative and both the Upper Basin and Lower Basin commissioners gave presentations that included two very different messages. He noted the point of conflict seems to be who is going to take a cut and in what magnitude.

Mr. Casuga expressed he was extremely disappointed, as they needed to get together and come up with a deal, and to his knowledge they did not get in the same room and start hashing anything out in the three days they were there. He said there are tough conversations that have to happen there on an agreement for post 2026 operations. He shared that as difficult as our river is, he is blessed to be on the Rio Grande.

Director Russo Baca stated she had a written report, but mentioned that Yuma, Arizona are using lasers to weed and have a zero output program.

#### **h. Information on Upcoming Events**

- 1. Bernalillo County Farmers/Irrigators Information Meeting, January 9, 2024 - Raymond G. Sanchez Community Center**
- 2. Annual Irrigation Leaders Workshop, January 21-23, 2025 - Chandler, AZ**
- 3. NM Hay and Forage Conference & Trade Show, January 23-24, 2025, Ruidoso, NM**
- 4. Socorro County Farmers/Irrigators Information Meeting, January 16, 2024 - City of Socorro Convention Center**
- 5. Sandoval County Farmers/Irrigator Information Meeting, January 30, 2024 - Black Mesa Casino Meeting Room.**
- 6. NWRA Policy conference, April 28-30 2025 - Washington DC**

Chairman Kelly discussed the upcoming events.

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

Lorna Wiggins answered a question that Director Dunning asked earlier in the meeting on if they could vote electronically instead of a voice vote over the phone during a roll call vote. She said that it was not likely, as the statute says that any member of a public body participating telephonically must be heard when speaking and identified when speaking.

#### **AGENDA ITEM NO. 14 REPORT(S) FROM THE BOARD**

- a. Report on the Farmers for Future Farmers Meeting, November 12, 2024 - Director Jiron**

Director Jiron noted there was not much of a turnout. He said there was some concerns about Las Cercas ditch and culvert replacements and sand build up in parts of Feeder 3.

- b. Report on the Quarterly Pollinator Networking Group Meeting, November 14, 2024 - Director Russo Baca**

See Appendix II for the director's written reports.

- c. Report on the 2024 Congreso de las Acequias, November 15-16, 2024 - Vice Chairman Baugh and Director Russo Baca**

Vice Chairman Baugh voiced that he was happy to be part of such a powerful community of people that come together to talk about hard things.

See Appendix II for the director's written reports.

**d. Report on the Meeting with Tree NM, November 18, 2024 - Vice Chairman Baugh**

Vice Chairman Baugh said he met with TreeNM and their executive director to get to know them. He asked Jason to have Mr. Ish follow up and see about some collaborations that could help tackle the four counties of the Bosque and trees in general.

Chairman Kelly asked if they are aware of the riparian consumption and the large percentage of depletions on the Rio Grande.

Vice Chairman Baugh said that was a big point and there was interesting stuff that they could shed light on.

**e. Report on the New Mexico Southern Wetlands Roundtable, November 19, 2024 - Director Russo Baca**

See Appendix II for the director's written reports.

**f. Report on the Valencia County Farmers & Irrigators Informational Meeting, November 21, 2024 - Chairman Kelly and Directors Russo Baca and Jiron**

See Appendix II for the director's written reports.

**g. Report on the Pueblo of Isleta Water Work Group Meeting, December 2, 2024 - Director Jiron**

Director Jiron reported that they talked about off season work with the District and within the Pueblo, talked about strategizing the upcoming farming season and what needs to be worked on, and where they need more support.

Chairman Kelly asked Director Jiron if he will still maintain his position on the advisory group.

Director Jiron answered more than likely.

Director Russo Baca made the **MOTION TO APPROVE ALL THE REPORTS FROM THE BOARD**. Seconded by Vice Chairman Baugh. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

Director Jiron	Yes	Chairman Kelly	Yes
Director Russo Baca	Yes	Vice Chairman Baugh	Yes
Director Dunning	Yes	Director Duggins	Yes

*\*Director Duggins left the meeting at 5:16 pm.*

Chairman Kelly requested a motion to go into the closed session.

Director Russo Baca made the **MOTION TO GO INTO EXECUTIVE SESSION AT 5:17 pm.** Seconded by Director Jiron. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED.**

Director Jiron	Yes	Chairman Kelly	Yes
Director Russo Baca	Yes	Vice Chairman Baugh	Yes
Director Dunning	Yes	Director Duggins	Yes

**AGENDA ITEM NO. 15 EXECUTIVE SESSION (cont.)**

**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**

Chairman Kelly requested a motion to go back into the regular session.

Director Russo Baca made the **MOTION TO GO BACK INTO REGULAR SESSION AT 8:16 pm.** Seconded by Director Jiron. Rollcall vote was administered and the **MOTION CARRIED.**

Director Jiron	Yes	Chairman Kelly	Yes
Director Russo Baca	Yes	Vice Chairman Baugh	Yes
Director Dunning	Yes		

No decisions were made and with no further comments, questions, or concerns, Chairman Kelly adjourned the meeting at 8:16 pm.

Approved to be the correct Minutes of the Board of Directors of December 9, 2024.

**ATTESTED:**

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

\_\_\_\_\_  
John P. Kelly, Chairman  
MRGCD Board of Directors

## ***APPENDIX I***

### **MRGCD Board Meeting of December 9, 2024 Public Comment -- Elaine Hebard**

When considering the 2025 MRGCD Legislative Agenda, please think about adopting the Resolution presented by the South Valley Regional Association of Acequias which was adopted at the Annual Meeting of the New Mexico Acequia Association.

1. As part of a reduction in depletions program, the SE require an offset for vested rights in the MRG for depletions subsequent to 1907.
2. The SE recall a substantial portion of the unused outstanding paper water permits.
3. Any regional water model must include depletions and be spatially based. In preparation for the upcoming Regional Water Planning effort, the Water Resource Board of the Middle Rio Grande Council of Governments should fund such work, and/or or make a request for funding to support from the legislature.

Furthermore, the MRCOG is asking for input on the 2025 legislative priorities for reference. Since the Water Resources Board (WRB) meeting is on January 8, 2025, there will not be enough time to meet and discuss the 2025 legislative priorities before the final version is voted on at the MRCOG Executive Board meeting on January 9, 2025. Therefore, the WRB will need to come to a consensus via email, so any feedback or proposed changes must be submitted by December 20, 2024.

#### **MRCOG 2024 Legislative Priorities (partial list):**

##### **Capital Outlay**

- Support capital outlay requests of member governments

##### **Water Policy**

- Encourage coordination of regional water plans and implementation of the policies, projects and programs specified in the water plans
- Support State funding to capitalize the Water Trust Fund
- Establish and maintain an aquifer measurement and monitoring program
- Support statewide water conservation strategies
- Support forest and watershed restoration programs
- Monitor any legislation relating to water resources and impact on member governments
- Support legislation to provide for the creation of regional water utility authorities
- Support increased funding for the New Mexico Water Data Initiative
- Support efforts to manage the demand of water from the Rio Grande to avoid a violation of the Rio Grande Compact.

Thank you,

Elaine Hebard



## ***APPENDIX I***

### **South Valley Regional Association of Acequias 2024 Resolution**

WHEREAS, on August 26, 2024, the Interstate Stream Commission Director informed the Legislative Water and Natural Resources Interim Committee of the then- 2024 Rio Grande Compact status, which equaled 121,500 acre-feet of debit, owed by the Middle Rio Grande (MRG).

WHEREAS, on June 28, 2024, the Office of the State Engineer wrote a letter to the Middle Rio Grande Conservancy District (MRGCD), summing it up with: "Ultimately, ... reducing depletions and managed shortage sharing, as well as improving infrastructure, are the best avenues for maintaining Compact compliance and avoiding catastrophic curtailment." That message is germane to all in the MRG.

WHEREAS, the MRGCD has proposed lining its ditches and canals, as well as requesting improvements to the Low Flow Conveyance Channel. Such actions are sure to impact other interests, not to mention the aquifer. Such actions must be considered together with other proposed actions.

WHEREAS, the on-going Rio Grande Basin Study is to include strategies to counter the impacts of climate change. At the Fall 2024 All-Partners Meeting on October 9, 2024, the MRGCD presented an update of its activities towards completing the Basin Study. There was no similar report from the urban sector.

WHEREAS, included in that agenda was the Basin Study Modeling Overview. Currently, there is not a spatial component to the model. In other words, there is no link showing the impacts of moving water rights from one location to another.

WHEREAS, when transfers are proposed, the impacts to the riverine system should be analyzed.

WHEREAS, before more groundwater users and uses are allowed in the Middle Rio Grande, a robust depletions model should be developed and utilized by all. In that way, depletions can be tracked and reduced so as to comply with Compact and Treaty of Guadalupe Hidalgo obligations.

WHEREAS, the Office of the State Engineer has handed out some 232,000-acre feet a year of paper water permits to urban areas in the MRG. When put to use, those permits will require wet water rights to offset them. A large percentage of the permits have not been utilized to date. Full usage would represent a complete drying of non-Pueblo irrigated lands as it would require transfers from all currently irrigated lands with water rights to offset such paper permits.

WHEREAS, there are at least 80,785 acres of pre-1907 and 1927 Acequia rights in the MRG, in addition to Prior and Paramount-watered tribal lands. Those water rights should be included in water plans, which will attract owners to participate, as opposed to simply being told what amount they must conserve.

WHEREAS, the water budget must also include water rights. In that way, conservation measures in regional water plans can consider the users as well as uses.

## *APPENDIX I*

WHEREAS, the Compact debit, together with the lack of storage available in El Vado Reservoir and Mother Nature, has resulted in surface water users having less supply than usual.

WHEREAS, that has not stopped groundwater withdrawals. It's easier to talk about shortage sharing when the users and uses are similar. However, as was painfully learned in the LRG, increasing withdrawals leads to increased river flow depletions.

WHEREAS, calling mined groundwater -- when poured in the Rio Grande after treatment, a "return flow." is a misnomer. The water is not returning to the aquifer from where it was pumped, so that hole continues to be enlarged as more is pumped, depleting future flows, and, in turn, requiring more for offsets rather than enabling such water to be reused. Worse yet, those offsets may be junior to the pre-1907 rights being offset -- flooding the region with more water accounting problems.

WHEREAS, increasing or even maintaining current depletions is unsustainable in light of the fact that river flows are already declining -- with a projected 25% less water in our rivers and recharging our aquifers by 2070, if not more and earlier.

WHEREAS, the State has acknowledged that the MRG was fully, if not over, allocated by 1907. And yet, since 1963, the State Engineer has awarded tens of thousands of acre feet of "vested" water rights to urban areas -- representing water used prior to the basin being declared in 1956 but mostly after 1907, Most importantly, depletions from such usage do not have to be offset.

WHEREAS, what with the water allotted to the reclaimed lands of the MRGCD, together with the water needed Endangered Species Act requirements, the Middle Rio Grande is certainly over allocated now.

WHEREAS. it is clear that the MRG is headed for a train wreck.

THEREFORE, the South Valley Regional Association of Acequias proposes that --

1. As part of a reduction in depletions program, the SE require an offset for vested rights in the MRG for depletions subsequent to 1907.
2. The SE recall a substantial portion of the unused outstanding paper water permits.
3. Any regional water model must include depletions and be spatially based. In preparation for the upcoming Regional Water Planning effort, the Water Resource Board of the Middle Rio Grande Council of Governments should fund such work, and/or make a request for funding to support from the legislature.

## *APPENDIX II*

### **Reports from the Board, Director Stephanie Russo Baca**

#### **Report on Quarterly Pollinator Networking Group Meeting November 14, 2024**

This meeting was held at the ABQ BioPark Botanic Garden and was both virtual and in person. There was a great discussion about identifying native plants in and around Albuquerque and all over NM and the appropriate signage needed. Additionally, there was discussion on how to continue to get the word out best about the different pollinator programs and potentially do a webinar or videos about native/non-native and pollinator friendly plants.

#### **Report on the NMAA Congreso, November 15-16, 2024**

MRGCD sponsored the NMAA Congreso this year and both Director Russo Baca and Director Baugh attended. The first day of meetings included topics about:

Acequia Disaster Recovery after Wildfire and Floods, Watershed Restoration after the Hermit's Peak Calf Canyon Disaster, Next Generation Acequias: Engaging Youth Through Education & Community Projects, Regional Associations Planning for Climate Adaptation & Environmental Justice, Legislative Advocacy and Mobilizing for Acequia Day at the State Legislature. The Acequia leaders provided updates on recovery status and personal experiences in areas recently impacted by fire and flood, including HPCC, Gila, Ruidoso, and Rio Chama.

#### **Report on the New Mexico Southern Wetlands Roundtable, November 19, 2024.**

The Roundtable is organized by the NMED Surface Water Quality Bureau Wetlands Program.

<https://www.env.nm.gov/surface-water-quality/wetlands-projects/>

Topics of discussion included a seasonal outlook for NM, stream and floodplain restoration and how beavers have a role to play, as well as a highlight of a docuseries “Thinking Like Water- Bill Zeedyk’s Philosophies”.

#### **Report on the Latino Farmers and Ranchers International Water is Life, El Congreso, November 20, 2024.**

Director Jiron was also in attendance. Director Russo Baca sat on a panel to discuss current and future water policy issues that are facing farmers, irrigators, and all water users in New Mexico.

#### **Report on the Valencia County Farmers & Irrigators Informational Meeting, November 21, 2024.**

Belen Public Library. Director Jiron and Chair Kelly also present as well as many MRGCD staff. This was a well-attended event with plenty of questions from the audience. Some of the highlights were about El Vado, water storage and the Rio Grande Compact.

#### **Report on the Finance Committee Meeting, December 2, 2024.**

Director Dunning, Director Russo Baca and Chair Kelly are part of the Finance Committee. Discussion was on the budget outlook and potential updates to the water service charge.

#### **MRG Flood Control Association Breakfast Meeting. December 3, 2024.**

There were reports given by several agencies on Water Resources/Flood Control funding opportunities as well as recent policies and guidance impacting water resource development and flood mitigation. Presenters included

## APPENDIX II

USACE, BOR, NOAA, USDA-NRCS, OSE-DSB, MRGCD, NMDHSEM, Bernco, SSACFCA, and AMAFCA. Jason Casuga gave an update on MRGCD works and projects.

### **Report on the Colorado River Users Water Association, December 3-6, 2024.**

The 2024 Colorado River Water Users Association meeting convened December 3 to December 6 at the Paris Las Vegas (agenda available here: <http://crwua.org/2024-conference/>). This year, more than 1,300 attendees met to discuss the future of the Colorado River, focusing on the development of the Post-2026 Operating Guidelines for Lakes Powell and Mead (P26). Leading up to CRWUA this year, the Upper Basin and the Lower Basin were at a negotiation impasse. By the end of the conference, the Upper and Lower Basin representatives still had not met.

Despite the larger communication difficulties between the Upper and Lower Basins, CRWUA was an excellent opportunity for valuable conversations with both fellow New Mexicans and with folks outside of the state.

#### *Avoiding Litigation*

Litigation was at the forefront of most CRWUA attendees' minds, especially considering Arizona's recent statements about the potential for litigation over the 1922 Colorado River Compact.

CRWUA hosted a conversation about the risks of litigation, moderated by Tanya Trujillo. The panel included Bidtah Becker, Jeff Kightlinger, and Jeff Wechsler. The panel discussed that litigation is expensive on all fronts—time, money, human resources, and relationships. Becker also noted that the Supreme Court cases are, in many ways, a loss of control, which is why Tribes are so eager to settle cases rather than litigate them. The panel discussed how pending litigation often represents failure, especially when contrasted with continuing negotiations in good faith. Ultimately, the process should get resources to people and communities who need them. The panel also discussed how the strategies involved in winning a legal case are very different than the strategies necessary for serving a community. They noted how a loss in a Supreme Court case over water can be crippling, especially for tribal communities. In the same vein, the panel noted the excessively long timeline to get a suit dismissed once it is brought and cautioned against filing a case now, which would likely be active for another decade. Finally, the panel concluded by referencing a Supreme Court water case from the 1940s in which the Court said that states are sovereigns and thus water adjudications should not be taken lightly by the Supreme Court. Sovereigns have to make hard decisions—that's leadership, Kightlinger and Becker agreed. Following this panel, representatives for the Upper Basin expressed relief, while those from the Lower Basin expressed doubt—because Arizona is so junior, it may not have any choice but to litigate.

#### *The Agricultural Pieces*

This panel included presenters from Land IQ, which presented on agriculture in the Yuma, Arizona area. This system is the first system to develop a zero output program where every drop of water applied to the field remains on the field. This results in zero return flows to the irrigation system. The technological advancements required for this level of conservation include laser leveling of fields, starting seedlings within greenhouses, collecting drone footage to determine water usage, and laser weeding of seedling plots. Yuma hopes to serve as a model for other irrigation districts.