

**MINUTES OF THE
2,226th REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

AUGUST 11, 2025 - 3:00 PM

Directors having been duly notified; Chairman Kelly called the regular meeting to order at 3:03 pm. The following Directors and Staff were present:

DIRECTORS			STAFF
John P. Kelly, Chair	Present	Jason Casuga	Chief Engineer/CEO
Colin T. Baugh, Vice Chair	Present	Lorna Wiggins	General Counsel
Brian Jiron, Director	Absent	Jeff Wechsler	Chief Water Counsel
Stephanie Russo Baca, Director	Present	Pamela Fanelli	Secretary-Treasurer/CFO
Glen Duggins, Director	Absent	Eric Zamora	Director of Technical Services
Micheal T. Sandoval, Director	Present	Anne Marken	River Ops. & Telemetry Mgr.
Karen Dunning, Director	Present	Matt Martinez	Irrigation Distribution Manager

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

Christine Nardi, MRGCD	Patrick Taber, BIA	Tim Smith, AES
Aracely "Arcie" Chapa	Tyler Otero, MRGCD	Josh Gamboa, MRGCD
Jess Bess, CESOSS	Xazzier Martinez	Peter Schoenburg
Picasso Montez, AES	Rudy Perea, Corrales	Santiago Maestas
Eugene Pickett, VCSWCD, NMBFR	Tarah Jaramillo, MRGCD	Josh Hind, MRGCD
Casey Ish, MRGCD	Amanda Molina, MRGCD	Estella Gamboa, MRGCD

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Jason Casuga 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. Directors Jiron and Duggins were not present at today's meeting. Rollcall votes will not be necessary for regular motions.

AGENDA ITEM NO.2 - APPROVAL OF THE AGENDA

Director Dunning requested adding 12(g), Urban Issues Advisory Committee Meeting.

Director Dunning made the **MOTION TO APPROVE THE MEETING AGENDA WITH THE ABOVE CHANGES**. Seconded by Vice Chair Baugh. The **MOTION CARRIED UNANIMOUSLY**.

AGENDA ITEM NO. 3 - CONSENT AGENDA

- a. Consideration/Approval of Payment Ratification – August 11, 2025
- b. Consideration/Approval of July 2025 Invoice for Wiggins, Williams & Wiggins
- c. Consideration/Approval of July 2025 Invoices for Spencer Fane LLP
- d. Consideration/Approval of the Minutes for the Regular Board Meeting – July 14, 2025
- e. Consideration/Approval of Professional Services Agreements Second Year for
 1. Wiggins, Williams & Wesenberg, General Counsel
 2. Spencer Fane LLP, Water Counsel

f. Memo on MRGCD Approved Licenses for July 2025 (For Informational Purposes Only)

Director Dunning commented that MRGCD has one of the most transparent and complete minutes in comparison to any other minutes on any other government website. She added that, along with the public now getting the Board packet, has resulted in a more fully informed public, and she expressed her appreciation for that.

Chairman Kelly added that they ran \$3 million into the local economy last month, and a lot of it went to groups and professional contractors that work for MRGCD.

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

AGENDA ITEM NO. 4 - REPORT(S) FROM THE ELECTION DIRECTOR

a. Announcement of Certified Candidates (excluding Write-Ins)

Tim Smith, Election Director with AES, listed all the qualified candidates for the election, which include Karen Dunning for Bernalillo County Position No. 3, Colin T. Baugh for Bernalillo County Position No. 4, Joe Christopher Lopez for Socorro County Position No. 6, and Michael T. Sandoval for Sandoval County Position No. 7. He noted that they have until Friday, August 15, 2025, for any potential write-ins and candidates will draw for position on Monday, August 18, 2025.

Chairman Kelly commented that it is unusual to have four unopposed candidates.

b. Election Calendar Overview

Tim Smith, Election Director with AES, gave his overview within item 4a.

AGENDA ITEM NO. 5 - VIEWING OF THE CENTENNIAL DOCUMENTARY TRAILER

Arcie Chapa presented the trailer for the Centennial Documentary to the Board.

Chairman Kelly asked about the schedule for completion and release of the documentary.

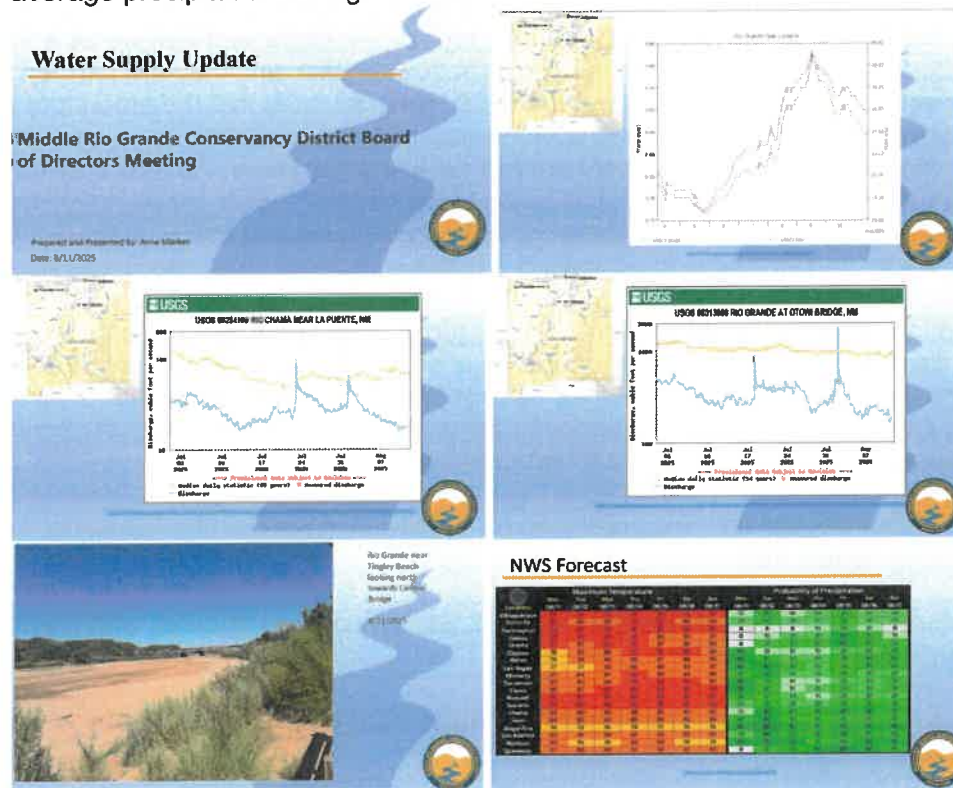
Ms. Chapa said the premiere will be in November, at the National Hispanic Cultural Center.

AGENDA ITEM NO. 6 - REPORT(S) FROM THE WATER OPERATIONS

a. Report on Water Supply Conditions - Anne Marken, River Operations & Telemetry Manager

Anne Marken reported on water supply conditions, which are very limited right now and the conditions in the basin have been hot and dry. She displayed hydrographs showing that native Rio Grande inflow over the Colorado border is 30 CFS, but it dipped down to below 14 earlier in the week, and the Rio Chama at La Puente is currently under 20 CFS. She stated that the Rio Chama Acequia Association began releasing some San Juan Chama storage water they purchased from other San Juan Chama contractors, and she believed they were going to release it from the 10th to the 17th. The Otowi Gage today measured just under 200 CFS, with about 40 CFS of that being San Juan Chama water released by BOR and the city of Santa Fe. She added that BIA is also

releasing 88 CFS of P&P water to meet the needs of the priority lands of the Six Middle Rio Grande Pueblos. Ms. Marken voiced that this morning, approximately 40 river miles were dry in the San Acacia Reach, and anything over 30 miles is considered pretty significant. She added that in the Isleta Reach, over 15 river miles are dry, and in the Albuquerque Reach, the river is dry from the Albuquerque-Bernalillo County Water Utility Authority Outfall all the way up to a mile upstream of the I-40 bridge. She noted that this is only the second time in decades that the river channel has dried in Albuquerque. She expressed that MRGCD is out of its limited San Juan Chama storage water and has no ability to store native Rio Grande water this year because of Compact restrictions. She explained that without storage, MRGCD is unable to supplement the water that the basin naturally produces, which means they have limited control over the river channel drying or the amount of water available for Middle Valley irrigators. Ms. Marken assured that they will divert and deliver any rain inflows that come into the Middle Valley, but without rain, farmers should anticipate extended periods between irrigation deliveries. She noted that we will continue to experience late season water shortages in future years until MRGCD is able to store native Rio Grande water again. The forecast is predicting lower temperatures than there has been but still generally above average, and there are rain chances in the forecast, but nothing that looks very promising. The seasonal outlook calls for likely above average temperatures and equal chances for above or below average precipitation through October.





Vice Chair Baugh asked if she could provide any other hopeful advice right now.

Ms. Marken responded that they are coordinating extensively with their other water management agencies and using resources they have available and trying to think creatively, but they do not have many tools in their toolbox right now.

Mr. Casuga commented that people do not worry about the Rio Grande drying until it dries right in front of them, so there is a lot of desire to talk about this topic right now. He said in the last decade, people have really only experienced a connected river, but previous to that, it did dry in Albuquerque. He stated that they want to encourage the public that this is not new and a product of changing hydrology and not being able to store native water, not because El Vado is broken. He expressed that we as a state have to find our path forward on the Rio Grande Compact, and they are partnering with other agencies to get education out there. Mr. Casuga noted that the amount of water they are producing in the mountains from snow has also diminished by almost 20% or more, and they have built a society around capturing that water. He said they have to make hard choices together and it is going to get harder, but it is his job to tell the public the truth. He added there are infrastructure improvements and policy changes that need to be made, and they have to educate the public on how we use water and value it.

Chairman Kelly mentioned the article in the paper about the new state engineer going after illegal groundwater pumping in the southeast part of the state, which is an issue up and down the Middle Valley that they have to look. He shared that he has lived here his entire life and never seen a sequence of the winters they have had with zero snowpack and no monsoon showing up like it had previously.

Director Dunning asked if the prediction for precipitation was just for the winter and how often they update that.

Mr. Marken answered they were for August, September, and October, and they update a 90-day outlook every month.

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

Mr. Martinez reported on water distribution. He voiced that they are facing some of the most severe shortages in recent memory, and while they have seen some rain, it has not fallen in the right places or lasted long enough to make a lasting impact on irrigation deliveries. He shared that in many parts of the District, non-pueblo irrigators have not received water since late June. He added that BIA determines P&P water demand and when they declare a P&P only operation, non-pueblo deliveries above Isleta are fully curtailed. The first curtailment was July 10-20, and deliveries above Isleta were July 21-30, before P&P operations returned July 30-August 2. He added that curtailment was

briefly lifted again August 2-6, and we have been back in P&P only operations since August 6th. He explained that in many cases, supply did not hold up long enough to complete full rotations, which left many irrigators still waiting when curtailment resumed. Mr. Martinez commented that water supply remains extremely limited below Isleta, and because a large percentage of Isleta Pueblo's priority lands are on the east side of Isleta Dam, the most favorable return flows occur there. He explained that without rain inflows, there has not been enough water to consistently run the Belen Highline past the Pueblo, but during brief periods of rain inflows, they were able to start and then restart rotations to Highline fed areas; however, the flow did not hold up long enough to reach all Highline users and laterals. For the Socorro Division, some rain pulses were diverted at San Acacia but were short lived and the inflows from the Unit 7 Drain have been poor. He said they continue to have regular discussions with BIA on setting the rotational schedule for P&P operations, and within that framework, each pueblo administration determines where their share of water is directed. He stressed that across the district, deliveries may continue through October 31st, but it is completely dependent on supply, so they encourage farmers to keep that in mind when making fall plans. The valley has been under a great deal of stress, so they have reminded the ISOs of the importance of being both sympathetic and equitable.

Director Russo Baca expressed that it has been 66 days since her last irrigation and a lot of the ditches by her house have been completely dry as well.

Vice Chair Baugh asked what the ISOs are doing in this down time.

Mr. Martinez answered that ISOs have been tasked with helping perform some maintenance, and they will start to label irrigation infrastructure by station and check and turnout number. He has emphasized keeping up their delivery records, which is a huge part of their job, and they are considering some additional training.

Director Dunning asked if labeling facilities are something that the public will see or is it more for the ISOs to see.

Mr. Martinez responded it is intended for both staff and the general public. He stated they will use stencils to paint checks and station numbers on each check and turnout.

AGENDA ITEM NO. 7 - ITEMS FROM THE FLOOR (Comments are limited to three (3) minutes)

Santiago Maestas

Mr. Maestas invited the Board and staff to the Acequia Walk & Talk on Pajarito Acequia, on August 30th, at 10 a.m., which will give them an opportunity to see the improvements that Mr. Jarner made to the Pajarito Acequia and its linking with the Ruby Lateral. He noted the problems they had with the Acequia Madre on the Pajarito have been greatly improved. He voiced that the intention of the Acequia Walk & Talk is to generate the benefit of the acequias, ditches, and water that makes the valley green in our community. He noted there are several Acequia Walk & Talks scheduled in the next coming months.

Mr. Casuga said that they will post that on the website.

Peter Schoenburg

Mr. Schoenburg stated that he has irrigated a tiny orchard and vineyard off the Griegos Acequia for 35 years and alerted the Board on the proposal to allow produced water, which is really toxic

water, off the fracking operations around the state to be used for land application, agricultural irrigation, and discharge into streams and the river. He expressed that the permit application is by the Water Access Treatment and Reuse Alliance, which is an oil and gas company lobbying group, and they are proposing to the Water Quality Control Commission to allow the New Mexico Environment Department to permit this discharge. Mr. Schoenburg asked MRGCD to review and oppose that, as that kind of discharge into our irrigation water on our rivers is concerning. He mentioned that they tried this in Colorado as well, but were denied. He explained the reason for this is due to oil and gas having 300,000 acre feet of produced water in New Mexico each year that they have to get rid of, but that results in dire consequences. He said the produced water contains carcinogens, PFAS, heavy metal, benzene, and undisclosed trade secret additives. Mr. Schoenburg informed the Board that Water Quality Control is meeting tomorrow to schedule a meeting to consider this, and he hopes that MRGCD study this, take a position, and be public and present in the hearings that are going to occur, as they are trying to fast track this and the Water Quality Control Commission seems to be in favor of it.

Mr. Casuga expressed that MRGCD staff is aware of this and Mr. Ish plans to make public comment at the meeting tomorrow on behalf of the MRGCD.

Chairman Kelly suggested making the public comment in their forum and not discuss our position outside of that forum for today.

Director Dunning recommended that the Board consider a resolution on this issue at a future meeting.

Mr. Casuga responded that he was happy to do that. He added that they need to gather a significant amount of information on this, as the amount of water they are talking about is a significant amount. He said he would delegate this to the Irrigation Committee to have a conversation and propose MRGCD's path forward to the Board.

Eugene Pickett

Mr. Pickett complimented MRGCD's staff on the July Irrigators, Farmers and Ranchers Meetings throughout New Mexico, as they did an excellent job with providing information. He shared that he was there today on behalf of the Valencia County Soil and Water Conservation District as the supervisor, and said they want to take a position of doing a much better job on engaging with MRGCD regarding to the offering of technical assistance, collaboration, and partnership. He stated that they will send out a formal announcement or invitation for staff to come and meet with them at their next meeting on the 21st. He added that he would also send them information on the special pilot project they are doing for the National Association of Conservation Districts National Convening this year. He expressed they want to take advantage of what MRGCD is offering and some of the things they are talking about and assist in that process to come up with some creative approaches to the dilemmas they are all facing.

Chairman Kelly thanked Mr. Pickett for his comments

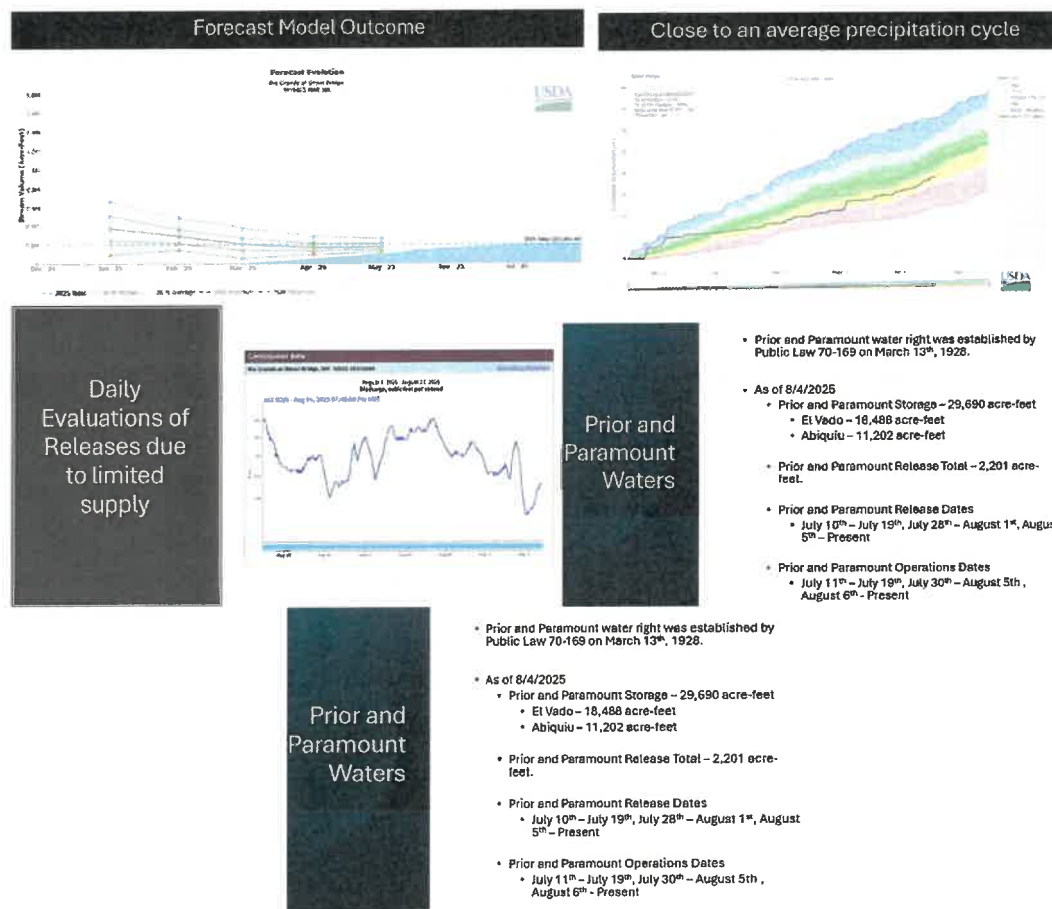
Elaine Hebard

Ms. Hebard submitted a written public comment. See APPENDIX I.

AGENDA ITEM NO. 8 - REPORT(S) FROM THE DEPARTMENT OF INTERIOR

a. Bureau of Indian Affairs - Patrick Taber, Acting Designated Engineer

Mr. Taber stated that even though this has been a dire and extreme year, it has not been as bad as it could be, so that was important to keep in mind for the future. He said they are closer to the 80th percentile on the forecast that came out in March, so they are a little higher than what was originally predicted, which is almost an average year; however, the storage issue is what is making it worse. He believed that some of the challenges have been due to the fluctuations in managing the system. He shared that he woke up at 3 a.m. and saw that the Otowi Gage was at 166 CFS, which gave him panic because P&P demand is 193 CFS this week. He noted that if it continues to drop like that, he did not know what was going to happen. Mr. Taber expressed that this year was predicted to be a better than expected hurricane season, but he does not see any moisture off the gulf that looks like it will be coming in to improve the situation or anything off the California coast in terms of atmospheric rivers. He said that with P&P water rights for the pueblos, they are the only entity currently with the ability to store water, so they are releasing water. He noted that they started the year with 32,000 acre feet and now they have a little less than 29,690 acre feet split between Abiquiu and El Vado. He said that a week ago, they had a total release of 22,000 acre feet and he would increase that now by another thousand. Mr. Taber expressed that rotational schedules are ongoing with the pueblos that cycle through roughly a 20-day cycle. He stated that current demand is 193 CFS and they are now releasing 88 CFS per day.



Director Dunning asked where BIA was in the process of filling the position with a permanent designated engineer.

Mr. Taber answered that they had positions open until January 31st, but on January 26th, they enacted the federal hiring freeze, so they are no longer allowed to close that position and it will remain that way until federal hiring opens.

Vice Chair Baugh inquired how he is communicating the complexities with the large drops overnight with all individuals involved.

Mr. Taber responded that they have a Monday morning call with the Rio Grande Operations Group, which include BOR, State Engineers Office, U.S. Army Corps of Engineer, MRGCD, US Fish and Wildlife Service, and other cities and entities. He added that there are also other small groups that occur within those that he talks with almost daily or every couple of days. He also speaks with the pueblos almost daily.

Mr. Casuga stated that with times like these, the tribal lands are made up of P&P lands and newly reclaimed lands, and by the 1928 Act, newly reclaimed lands are on parity with the non-tribal lands. He knew they were working on that, but wanted it out there so the public knows we are continuing to ask how they are documenting the volume of water being delivered to the Six Middle Rio Grande Pueblos on par with P&P lands and not including their newly reclaimed lands.

Mr. Taber expressed that he continues to work on that, but it is challenging in some cases to come up with the exact calculations because of the rotational schedule, the changing P&P demand curve, and the occasional changes within the USGS gages. He shared he is checking what is coming out of Cochiti to make sure it is not in excess of what would be released with reasonable losses due to carriage. He added Albuquerque and southern areas are a more challenging given the number of structures involved.

Mr. Casuga noted that the equity that we have to show the public are the newly reclaimed lands being treated exactly like theirs. He thanked Mr. Taber for working on that, and shared that his team is working on engaging with him on that.

AGENDA ITEM NO. 9 - REPORT(S) FROM THE HUMAN RESOURCES DEPARTMENT - Christine L. Nardi, MBA

a. Introduction of MRGCD New Hires

Ms. Nardi introduced MRGCD's new hires and promotions, which include a promotion to heavy equipment operator and two new medium equipment operator hires in the Albuquerque Division, a mechanic hire at the Cochiti Office, and a new hydrology technician at the General Office. She noted that there was a new hire for the Belen Division Office, but due to unforeseen circumstances, they did not work out.

Albuquerque Division

JOSE	CARO	HEAVY EQUIPMENT OPERATOR	07/21/2025 PROMOTION
CHRISTOPHER	WIECLAW	MEDIUM EQUIPMENT OPERATOR	07/21/2025
JACOB	MARTINEZ	MEDIUM EQUIPMENT OPERATOR	08/04/2025

Belen Office

SAMUEL	MEDRANO	MECHANIC	08/04/2025
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Cochiti Office

JERRY	SMITH	MECHANIC	08/04/2025
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General Office

MATTHEW	FIELDS	HYDROLOGY TECHNICIAN I	08/18/2025
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AGENDA ITEM NO. 10 - REPORT(S) FROM THE TECHNICAL SERVICES DIRECTOR - Eric Zamora, PE

a. Report from the Belen Division Manager, Tyler Otero

Mr. Otero presented on the Belen Division. He discussed the work they have done on the Belen Highline Project and displayed pictures, discussed all the issues they had with the rain events, including at Camino Del Llano and Las Nutrias, wildfires at Bosque Farms, Kid Fire, Cotton 1 Fire, and Cotton 2 Fire, work they did on turnouts, removal of the pipe at Algodones Crossing, building a concrete wall at Peralta Wasteway, and ditches they dredged. He acknowledge some of the people who play a critical role in their major projects and step up during high pressure situations. He thanked Rusty and his ER&T crew for stepping up and helping them, as they are without a mechanic right now. He also expressed deep appreciation to his mentors; Dan, Derek, Julian and Mr. Zamora; supervisors John Marquez and Cruz Pino; and everyone whose hard work, teamwork, and resilience continue to make MRGCD a safer, stronger, and more responsive organization specifically thanking Felix, Frank, Cole, Jacob, Cody, John Carrillo, John Stump, Tom Anaya, JP, Larry, Richard, Daniel Schorr and Stretch.





Director Russo Baca voiced that they were looking at ditches and drains by her house and could tell they have been doing a lot of work. She mentioned that a ditch that has been full of cattails ever since 2009 and is now clean for the first time. She said they got

in there, got out, cleaned up after themselves, and it looks really great. She commended them and said she knew they have been working really hard all over the District.

Director Dunning thanked Mr. Otero for the corner they turned with Valencia County.

Chairman Kelly thanked him for all their hard work and in regard to the gas line crosses, he hoped they know if they ever feel bumping on those articulated blocks they know to stop digging and call a supervisor. He said hitting a 30-inch gas line would be the worst thing that could happen not just to MRGCD but to all the people that depend on that for heating, cooking, and everything else.

Mr. Casuga pointed out that it was not MRGD's crew who unearthed that, and they worked with the gas company's contractor to dig it.

Chairman Kelly asked what kind of equipment they need in their division.

Mr. Otero answered that Mr. Zamora had them taken care of for this year, as they are shooting for a long reach and roller compactor. He added that the long reach is what they need to maintain the drains, especially the drains that push a lot more water south and feed ditches.

AGENDA ITEM NO. 11 - REPORT(S) FROM THE SECRETARY-TREASURER/CFO

a. Report on the La Joya Acequia Subcommittee/MRGCD Meeting, July 21, 2025

Mr. Casuga reminded the Board that they brought M-07-14-25-225 before them two months ago to discuss, which is a resolution on the water rate charge for the La Joya Acequia based on the 1977 agreement and the 2017 resolution related to pay. He explained that they tabled this last month because the La Joya Acequia Association requested a meeting prior to this coming back before the Board, where they pointed out that the 25% of the current water service charge from the 2017 resolution was upheld in the MOU, which stated that would not change. He explained they have now amended the resolution to reflect the 2017 resolution, stating the water rate charge for La Joya would be 25% of the current water service charge, which comes to \$14.81 per acre.

Director Dunning commented that this talks about parity, but it does not seem to be parity to her because they are paying so much less. She asked him to explain that.

Mr. Casuga responded that the 1977 agreement included the ability for the Board to renegotiate on a yearly basis and increase the water service charge to cover things like carriage losses and El Vado; however, over the years, MRGCD did not do a good job of talking with La Joya every year and raising that rate, so it sat at \$6 for a significant period of time. He explained that prior to his becoming CEO, Mr. Hamman had started a process of looking at that, which raised eyebrows for the La Joya Acequia Association and is what brought them to the table to say they are not getting all the benefits that every other person in the District is getting and we need to have a conversation on that. He noted that they are paying the \$6 per acre to MRGCD but they collect more than that, because they are also paying O&M on their facilities. Mr. Casuga expressed what they agreed to in the MOU is to keep the 2017 resolution while exploring the technical requirements of them joining the District. He added they are not in parity right now from what he can see and the goal is to bring them in and treat them like every other irrigator, but what is before the Board today is the proposal to raise their rate to 25% of the

current service charge per the resolution passed in 2017, which will bring their water service charge to \$14.81.

Director Russo Baca expressed that they do not get San Juan Chama water, and they are essentially paying almost the very same amount for their O&M, and she believed that they should continue these conversations in good faith.

Mr. Casuga pointed out that in the third whereas it says that the La Joya Acequia Association and MRGCD will enter into an agreement stating that the rate charged to La Joya Acquia would be on parity, but what happened from then on is the rate was not reviewed every year and not raised. He said they are seeking to correct that and bring their charge into parity through this MOU.

b. Consideration/Approval of the Resolution M-08-11-25-225 Adoption of Special Water Service Charge for La Joya for the 2026 Irrigation Season

Director Russo Baca made the **MOTION TO APPROVE RESOLUTION M-08-11-25-225, ADOPTION OF THE SPECIAL WATER SERVICE CHARGED FOR LA JOYA FOR THE 2026 IRRIGATION SEASON**. Seconded by Director Dunning. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

Chairman Kelly	Yes	Vice Chair Baugh	Yes
Director Dunning	Yes	Director Russo Baca	Yes
Director Sandoval	Yes		

c. Notification/Discussion of the 2025 MRGCD Water Service Charge Reclassification (Protest) Hearing per NMSA §73-18-8.1; hearing scheduled for September 8, 2025

Mr. Casuga stated it is the time of the year to look at protests for individuals who want to no longer be charged the water service charge, so they are coming before the Board to have a discussion on what they are seeing in some of the protest requests. He thanked Estella and the engineering team for going out and inspecting the properties, as well as the GIS folks. He said they are seeing more and more individuals requesting to protest out and most of them are related to whether or not they are receiving water, so he wanted to advise the public what a protest is. He went through the definitions of Rule 24, which are the water service charge rules. He believed that explaining this will cause people to get frustrated, and so he wanted to leave that out for the Board to chew on so they can ask any clarifying questions when protests are brought before the Board. The rules state that irrigable land is land that is capable of being irrigated from the District's delivery system, and non-irrigable land is land that is not capable of being irrigated from the District's water delivery system. It also says, "All lands recorded as irrigable in the District's records are presumed to be capable of being irrigated by the District's water delivery system." Mr. Casuga explained that historically, the District has looked at the word capable as are you physically capable, and they will look at if someone has something to make the capable go away, like taking action at the State Engineer's Office to sever the water right from your property. He stated what they are seeing are properties adjacent to ditches saying they are not receiving water and do not have a turnout and want to protest, but his analysis of that is they have not met the non-irrigable standard, and because they are adjacent to it, they are below the high water level of the ditch and can still gravity feed water. He wanted to make sure we are ready for the public questioning the word irrigable.

Director Dunning shared that her neighbor has a turnout so they are capable of irrigation but they built a garage, so they only land on the property that could grow anything or has trees is one-hundredth of an acre. She asked if that would still be considered irrigable because they have a turnout.

Mr. Casuga answered no, the remaining acreage to irrigate would be de minimis, and they have approved the property to such a degree they cannot flood irrigate anymore and the remaining irrigable land would not be significant quality. He added that in that case, he would probably recommend to the District that they would be incurring more of a liability if they tried to open the turnout and flood their home or structure. He noted as the CEO he has some leeway to make a determination based on things like safety.

Director Dunning commented that when Mike Hamman was still CEO, they were working on a way to make it legal for some people to have non-irrigable land but irrigate it because they pump from the ditch. She asked what happened with that.

Mr. Casuga responded there was a process for omitted and excluded lands, but those that have been brought in under admitted and excluded are still irrigating by gravity. He stated it was a way to clean up properties that were irrigating and did not have a water service charge but were still being scheduled, but he has not seen anything recently where they allow pumping, because they would still want them to deliver water at a rate consistent with our efficiency requirements, which is possible but costs a lot of money. He noted that he is generally pretty hesitant to bring pumps into our system.

Vice Chair Baugh asked if all property in the District is irrigable at the beginning to some degree.

Mr. Casuga answered not anymore and gave some examples of that. He expressed that Rule 24 has stood in its current capacity since 1995, but the challenges we face now are more unique. He said his plan, unless otherwise directed by the Board, is to approach the current sets of protests as they historically always have been approached based on Rule 24 and the historical practice on what capable means.

Director Russo Baca shared that she felt Rule 24 should be updated, and she was not sure if they could do that in a committee, but was curious to see what other actions MRGCD could take, and specifically if we are notifying the State Engineer's Office.

Mr. Casuga responded there is a conversation they need to have on if they allow a landowner to protest out and stop paying a water service charge, and what are they doing to the potential of having had a water right on that property. He voiced that is an interesting conversation of reporting properties to the State Engineer's Office who have protested out and are no longer paying a water service charge and not benefitting from the protection that being part of the MRGCD does for allowing that water right. He added that in the Conservancy Act, the District provides broad protections for the abandonment of a water right.

Ms. Fanelli commented that each county is notified and the counties remove the Ag exemption on the acres that have been protested out.

Director Russo Baca voiced that it would be nice to cite their current water service charge within Rule 24.

Mr. Casuga responded that he has the same concern if someone protests out and that property goes 25 years without irrigating and a new landowner comes and want to make an application to irrigate there, because in his mind, they have created a new use. He questioned if the District should allow that property to come back in and under what circumstances should they allow a property to come back in. He explained that is why he feels like it is a slippery slope to go down the path of allowing people to opt out because they are not receiving water due to a drought.

Director Russo Baca expressed the other issue is that it is somewhat unclear if someone has irrigable acreage but never sign up for a water service charge for a contract, why are we not lumping everyone in who has irrigable acreage and then sending them the bill. She said they cannot just force individuals to contract with them, but we are essentially doing the opposite.

Mr. Casuga agreed that they are doing that, and they have taken steps to send water service charges to irrigable acreage and are trying to identify those.

Director Russo Baca asked what policy that is.

Chairman Kelly stated it seems like there have been enough issues raised internally about the long-term implications of allowing a protest to be approved that maybe they should suspend any action on this matter until they have had a chance to work through this.

Mr. Casuga suggested to do this year as they always have and assign this to legal counsel and staff to be ready for next year. He said bringing this to the Board today was to raise the nature of some of the protests they have been seeing that will likely cause the public to be disgruntled, and not proposing to change the process right now.

Ms. Wiggins expressed that if the analysis does not produce change in Rule 24, then they have people who did not expect to have to pay to be told they are in arrears for that year and would still have to be assessed a water service charge going forward, so maintaining status quo makes the most sense.

Chairman Kelly noted that the meeting will be held prior to their meeting on September 8th, at 2:00, and it will be a public meeting where individual landowners can attend and speak about their protest action.

Director Dunning asked if the Board ever overruled a staff recommendation for protest.

Ms. Fanelli answered no.

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

a. Staff recommendation for revising MRGCD License Fee Schedule - Casey Ish, Director of Land & Conservation

Mr. Ish presented on staff's recommendation for revising MRGCD's license fee schedule, which is being proposed just for discussion today, with staff seeking guidance from the Board on the duration of review before staff brings it back for consideration and approval. He explained that right-of-ways provide efficient and necessary pathways for utility services across the region, and 195 licenses for utilities were issued last year, but our

current fee schedule brings in less than 3% of what it costs to keep these areas safe, functional, and fire resilient. He noted that they had \$86,000 in revenue in 2024 with an estimate \$3 million annual need. He said the proposed fee schedule will better reflect the value of using our right-of-way, streamline our process by replacing refundable deposits with insurance requirements, and introduce an unauthorized use fee to improve safety and compliance, which could raise between \$640,000 and \$1.77 million annually. This would help them proactively maintain 40 to 60 acres of high risk vegetation each year along our riverside drains and other infrastructure, reduce fire and flood hazards, and ensure utilities pay a fair share for the privilege of using our infrastructure. He added that this is a strategic and necessary step to protect our assets, communities, and our mission, and pumping into and out of our facilities, special use licenses, commercial filming, and special events are also being revised with this recommendation. Mr. Ish voiced that application fees would be standardized for all licenses at \$100, except for turnout applications and Bosque access key applications, and staff recommends a comment and review period of 30 or 60 days following this meeting.

Director Russo Baca appreciated that we require individuals to hold insurance. She asked if the numbers meant \$100 application fee and \$300 for the actual license or if the \$100 application fee goes towards the license.

Mr. Ish answered that there is a \$100 license fee and the license itself is \$300, totaling \$400.

Director Russo Baca inquired about it only being \$100 for unauthorized use for commercial boating.

Mr. Ish explained that is a new category in response to activities they have seen more and more on the right-of-way, and staff did this as a way to incentivize utilities for anyone enjoying the right-of-way. He said with the fee schedule, once they identify there is an activity listed that is operating without a license, the clock starts for the \$100 per 30 days so they can keep track of it.

Director Russo Baca asked if that was yearly or one time.

Mr. Ish answered yearly.

Mr. Casuga said the feedback they were looking for is if it should be \$100 every day, every five days, every 10 days, or something different. He noted this will be a significant impact especially on their utility partners who have gotten a free ride.

Director Russo Baca suggested ensuring that whatever the unauthorized use fee is, that it is in compliance with state law, as she assumed there is a limit for unauthorized uses. She said they cannot be extremely punitive, but punitive enough that it does not encourage people to not get a license.

Director Dunning shared that a filmmaker came to them a couple years ago and said we charge the same for a low budget documentary as we would for a Hollywood movie, which they thought was unfair and asked us to look at having a separate fee structure. She also asked why someone has to get a special event license and if it depended on the number of people or how big the event is. She inquired if we make CESSOS get a special use permit when they do their walks on the acequia.

Mr. Ish said they brought this to the Finance Committee and the commercial film license asked a similar question about distinguishing between lower budget and Netflix type of documentaries. He did not have a great answer for that and asked for guidance from the Board on that. He noted that there is a challenge in the equity across a license because there are different impacts on the Bosque.

Director Dunning voiced that it may be worthwhile to talk to the State Film Office and the City Film Office to see if they differentiate that.

Chairman Kelly felt they should leave the price where it is and let Mr. Casuga have the ability to waive fees in special circumstances. He said that setting rates for these types of things should be left up to staff, but we need to call them in here about the terms of the licenses, because there have already been questions about these terms from two of the board members. He stated that we need to move with this and have the ability to modify our fee schedule and license requirements at any time.

Mr. Casuga said they will work on this, bring it back to the Finance Committee, make recommendations, and bring back to the Board at next month's meeting.

b. Report on the Informational Meetings

1. **Valencia County Informational Meeting, July 17, 2025 - Jason Casuga, CE/CEO, Amanda Molina, PIO, Eric Zamora, Technical Services Director, Chairman Kelly, Vice Chairman Baugh, Directors Russo Baca, Dunning, Jirón, Sandoval and Duggins**
2. **Sandoval County Informational Meeting, July 24, 2025 - Jason Casuga, CE/CEO, Amanda Molina, PIO, Eric Zamora, Technical Services Director, Chairman Kelly and Directors Sandoval and Dunning**
3. **Bernalillo County Informational Meeting, July 31, 2025 - Jason Casuga, CE/CEO, Amanda Molina, PIO, Eric Zamora, Technical Services Director, Derek Jarner, Albuquerque Division Manager, Directors Russo Baca and Dunning**

Mr. Casuga stated that he was present at the Valencia County and Socorro County Informational Meetings and they did not hear a lot of comments about O&M getting done or lack of communication, which are significant improvements. He said there was a lot of displeasure over water, especially at the Bernalillo County Meeting. He explained that Bernalillo County is unique this year, as they are being curtailed and they see water going by but cannot take it.

Director Dunning made the **MOTION TO APPROVE THE BOARD REPORTS FOR ALL OF THE INFORMATIONAL MEETINGS**. Seconded by Director Russo Baca. The **MOTION CARRIED UNANIMOUSLY**.

c. Report on the NM Drought Task Force Meeting, July 22, 2025 - Jason M. Casuga, CE/CEO

Mr. Casuga presented at the Drought Task Force Meeting on flooding, curtailment, fires, and drying of the river. He said the Drought Task Force is very aware that drought is going on and the effects from it. He shared that he had two water managers reach out to him after he submitted his presentation to ask if he was doing okay because it has been such a tough few weeks.

d. Report on the Six Middle Rio Grande Pueblo Coalition Meeting, August 7, 2025 - Jason M. Casuga, CE/CEO

Mr. Casuga expressed that he mostly just talked about the Coalition of Rio Grande Water Users Meeting, and the water situation on El Vado was covered by the Bureau and BIA. He emphasized MRGCD's desire to grow the Coalition to include the pueblos. He said the goal of the Coalition Meeting this year is building a Rio Grande Coalition, and he informed the Tribal Coalition that we wanted their input on that. He added this Coalition Meeting is a way for the pueblos voices to be heard, as members of all three compact states attend.

e. Report on the Hispano Chamber of Valencia County Installation Banquet, August 9, 2025 - Jason M. Casuga, CE/CEO and Director Russo Baca

Mr. Casuga reported that the banquet was great and something they should stay involved in. He said they are doing a lot with the youth with providing scholarships and education, which aligns with MRGCD's goal to deepen education in Ag history and who we are.

Director Russo Baca appreciated that MRGCD was recognized multiple times and it was highlighted that MRGCD is helping to preserve the cultural heritage of farming and through the World's Largest Mantanza, which is money completely going to the youth in Valencia County for scholarships.

Mr. Casuga added that us being involved in these things are a direct reflection of our current Director of Communications and how she is deepening our ability to communicate with our community.

f. Information on Upcoming Events

1. **NM Water Law 32nd Annual Conference, September 11-12, 2025 - Santa Fe, NM**
2. **Coalition of Rio Grande Water Users Conference, September 30 to October 2, 2025 - Santa Fe, NM**
3. **13th Annual Tribal Water Law Super Conference, October 16-17, 2025 - Isleta Resort & Casino**
4. **Family Farm Alliance Annual Conference, October 30-31, 2025 - Reno, NV (August 30 deadline)**
5. **Colorado River Water Users Association (CRWUA) 2025 Conference, Dec 16-18, 2025: Las Vegas, NV**

g. Urban Issues Advisory Committee Meeting

Director Dunning reported that they talked about doing something about trees and decided now is the time to move on it.

Chairman Kelly expressed that he started writing a charter for this committee and who would be invited to it and realized he had way too many people, so he recommended that they sit down with Ms. Molina and figure out how to keep it a condensed committee and still cover the broad issues that this committee might have to deal with. He proposed that after the Finance Committee Meeting, they stick around afterwards and take a look at the charter and the list of paper and put their heads together on that.

Mr. Casuga shared that Director Baugh has put in a lot of energy related to vegetation, so he did not feel like these efforts should be separate, as speaking about the Bosque and

vegetation could form into one. He wanted to make sure these are not two separate efforts because there is a large committee that we committed to from an urban issue, one specifically to talk about trees and the Bosque

Vice Chair Baugh commented that the narrative is to educate that the water, vegetation, and trees are connected through the fire issues and getting that out there is good. He stated that some of this high level stuff is not going to necessarily address the concern of the revegetation plan, but it gets to the bigger acknowledgement of what we are doing together with all these entities.

Mr. Casuga asked if these are two separate things, with one focusing on the Bosque and trying to identify putting together a funding legislative role moving forward that is separate from this general conversation around trees and how to deal with trees in the urban area.

Director Dunning responded that it is urban issue with the trees, but it is also E-bikes, so she was fine to separate them.

Vice Chair Baugh added that his hope is to start talking about and planning with regard to the Bosque spills out into right-of-ways and ditches, as the buy-in from the public is more robust, and understanding to trust what we are putting forth. He felt that the concerns constituents have raised about trees going away and not having a plan to fill those in is separate from the catastrophic mitigation conversation they are going to talk about.

Chairman Kelly voiced that he would like to stick around and talk about how this would be structured and who they could get to help out with it.

Mr. Casuga said he would work with Vice Chair Baugh on how to bring people in to have a conversation about funding for fire mitigation that is separate from the formation of this Urban Advisory Committee.

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

Ms. Wiggins shared that in June, Derek Jarner and others identified changes that were being made to the Rogers lateral by Ms. Villar. She stated that a demand letter went to Ms. Villar that she stop making modifications to the ditch that MRGCD fully repaired in 2023. Attorney Joe Holvey filed an emergency motion to lift the stay in the civil action that is pending against Ms. Villar and asked for a hearing on her contempt and to show cause. She said that hearing occurred and the court heard testimony, with Mr. Zamora as a witness for the District, and Ms. Villar appeared pro se. She added that we were able to get sanctions against a pro se litigant, which is unusual. The court found she was in contempt and sanctions were imposed against her, and she was told by the court to make no additional changes to the Rogers Lateral Ditch Bank.

Mr. Brooks mentioned the Sandia v. City of Rio Rancho case that came out recently, which does not directly involve the District but may be influential to some of the protests we have filed. He explained that the District expressed concern with transfers out of the District upstream for offset purposes and there is an OSC policy that requires offsets for groundwater pumping, DCMI, and most of those offsets are coming directly from the District or District Members rights. He said that on July 30th, the decision came out that involved the protest by the Pueblo of Sandia in regard to Rio Rancho being allowed to pump around 24,000 acre feet that requires offsets on 5-year blocks, so they are consistently trying to fulfill that permit obligations. In this

case, there were six applications, all located downstream of Sandia with MRGCD, so Sandia protested. Mr. Brooks highlighted three things that the judge said which are potentially important for some of our protests, including the implication that potential impairment should be evaluated in each section of the river, the state engineer not sufficiently evaluating the instream rights of the pueblo, and that de minimis depletions can cause impairment depending on the facts.

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

- a. Report on the Meeting with the Bernalillo County Manager, Cindy Chavez, July 15, 2025 - Vice Chairman Baugh**

Refer to 14b for Vice Chair Baugh's combined report.

- b. Report on the Meeting with Village of Los Ranchos Mayor, Lawrence Rael, July 16, 2025 - Vice Chairman Baugh**

Vice Chair Baugh voiced that he has been calling around to try to rally the troops around this great gathering of the minds to take a good hard look at the stress and pressures of the Bosque, largely under catastrophic mitigation, fire, etc., which is the reason for the meetings with Bernalillo County Manager, Cindy Chavez, and the Village of Los Ranchos Mayor, Lawrence Rael. He shared that they are very excited to see the District so engaged and said they would love to be a part of this.

- c. Report on the Centennial Committee Meeting, July 22, 2025 - Vice Chairman Baugh and Director Russo Baca**

Vice Chair Baugh stated this Centennial Committee Meeting was awesome.

- d. Report on the Valencia Soil and Water Conservation District Board Meeting, July 24, 2025 - Director Russo Baca**

Refer to APPENDIX II for written report.

- e. Report on the Lavender in the Village Festival, July 26, 2025 - Vice Chairman Baugh**

Vice Chair Baugh reported that the Lavender in the Village Festival was great and they had an incredible turn out and people loved the swag. He noted that everyone had good questions, which were mostly around the river running dry, and it was a good opportunity to educate them that this is not something new and largely around the storage issue and Article 6 and 7.

- f. Report on the Audit Entrance Conference, July 31, 2025 - Directors Russo Baca and Dunning**

Refer to APPENDIX II for written report.

- g. Report on the Western States Water Council (WSWC) and Native American Rights Fund (NARF) Biennial Symposium, August 6, 2025 - Director Russo Baca**

Refer to APPENDIX II for written report.

h. Report on the Coalition of Six Middle Rio Grande Basin Pueblos, August 7, 2025 - Director Russo Baca

Refer to APPENDIX II for written report.

i. Report on the Safeguarding Water in Conservation: A Land Trust Collaboration on Water Rights in New Mexico Meeting, August 8, 2025 - Director Russo Baca

Refer to APPENDIX II for written report.

Director Russo Baca made the **MOTION TO APPROVE THE REPORTS FROM THE BOARD**. Seconded by Vice Chair Baugh. The **MOTION CARRIED UNANIMOUSLY**.

Chairman Kelly requested a motion to go into closed session at 5:39 pm.

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

Chairman Kelly	Yes	Vice Chair Baugh	Yes
Director Russo Baca	Yes	Director Dunning	Yes
Director Sandoval	Yes		

AGENDA ITEM NO. 14 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

Chairman Kelly requested a motion to go back into the regular session at 6:03 pm.

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

Chairman Kelly	Yes	Vice Chair Baugh	Yes
Director Russo Baca	Yes	Director Dunning	Yes
Director Sandoval	Yes		

With no further comments, questions, or concerns, Chairman Kelly adjourned the meeting at 6:30 pm.

Approved to be the correct Minutes of the Board of Directors of August 11, 2025.

ATTESTED:


Pamela Fanelli, CMA, CGFM
Secretary-Treasurer/CFO


John P. Kelly, Chairman
MRGCD Board of Directors

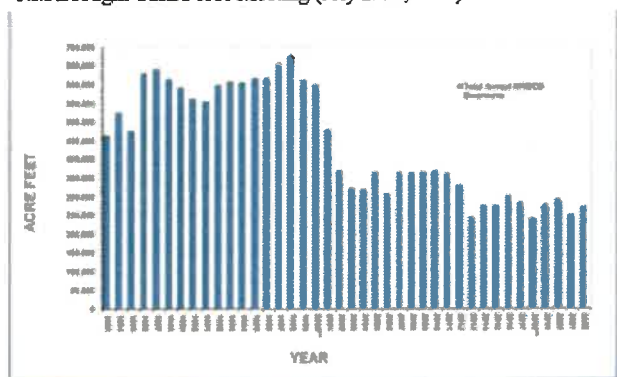
APPENDIX I

MRGCD Board Meeting - August 11, 2025 Public Comment -- Elaine Hebard

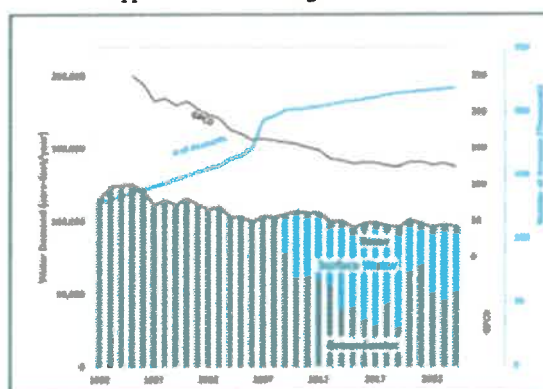
Concerns have been raised that MRGCD and its customers are bearing the brunt not only of the current drought but of the on-going Compact deficit. So, I was thinking about how to present the issue, as well as continue to make a suggestion, with the bottom line being that the basin must work together to reduce depletions.

In the agenda packet materials is a presentation Mr. Casuga made to the NM Drought Task Force Meeting last month. I thought it interesting to compare somewhat similar information with what the ABCWUA shows to its customers.

MRGCD River Diversions 1983-2022
NM Drought Task Force Meeting (July 22nd, 2025)



Production vs. Population Growth (1992-2024)
ABCWUA Approved FY2026 Budget & Performance Plan



Noteworthy are the reduction in MRGCD diversions beginning about 2000, and the use of SCJ water by ABCWUA beginning in 2008. MRGCD's actions likely reduced aquifer recharge also, and ABCWUA's actions likely reduced river depletions. Population increased dramatically in the Albuquerque region. The urban uses of Rio Rancho, Belen and Socorro, among others, are not represented.

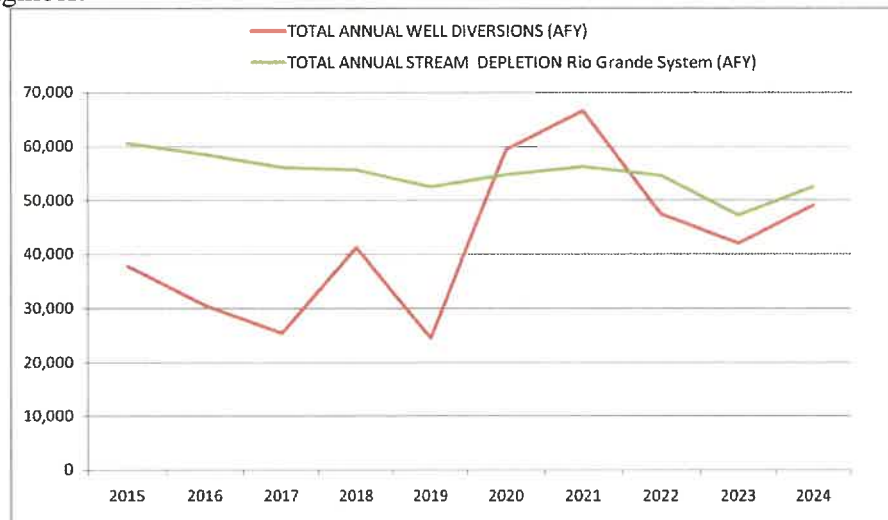
A result of the pumping is depletions.

Streamflow depletion arises from both a reduction in the discharge of groundwater into a stream and an increase in recharge from the stream to the aquifer as gradients are reduced or reversed between the aquifer and the stream. Both constitute capture, and both result in a depletion of streamflow downstream from the capture area.¹

Groundwater pumping can "stealth vampire" surface water flows. When water is pumped from a groundwater aquifer, it can reduce the amount of groundwater that would otherwise flow into nearby streams and rivers, effectively depleting surface water sources. This can lead to a decrease in surface water levels, potentially harming aquatic ecosystems and impacting water availability for various uses, according to the USGS Publications Warehouse.

¹ Need to prepare for: *More Active Depletions Management, Groundwater Resource Development*, Leonard F. Konikow and John D. Bredehoeft (Oct 27, 2020)
Minutes of Middle Rio Grande Conservancy Regular Board Meeting
August 11, 2025

Through the Albuquerque Reach, the Rio Grande used to be a gaining reach, but now water seeps from the river into the shallow and deep aquifer. ABCWUA depletions as calculated by the State Engineer.



Spatial location of water conservation is also not included. When water is removed from a farm, there is not simply a reduction in the consumptive crop use, but also a reduction in the flows down the ditches to serve that farm, a reduction in the recharge under that farm, and likely a reduction in tail water available for other users. What if everyone around the farm were to fallow their fields -- what would happen? Plans have to include a spatial dimension to conservation.

Work together to reduce depletions, such as with some scenarios for the Basin Study to model.

APPENDIX II**Director Russo Baca Board Reports August 2025****Report on the Valencia County Informational Meeting, July 17, 2025**

This was a well-attended meeting with over 50 individuals in attendance at the Tome Dominguez Hall in Tome. Some of the topics discussed included the current water situation, P&P operations, the Rio Grande Compact, and field drains.

Report on the Centennial Committee Meeting, July 22, 2025

MRGCD has celebrated its centennial by attending various community events each month and preparing for the video screening. At today's board meeting, there will be a preview of the video.

VCSWCD Board meeting, July 24, 2025

The Valencia Soil and Water Conservation District met to discuss business. We thank the representatives from the VSWCD for attending the MRGCD informational meetings and for continuing our positive relationship. The VCSWCD covers the Pueblo of Isleta, Valencia, and part of Socorro County.

Report on the Bernalillo County Informational Meeting, July 31, 2025

This was another well-attended meeting with over 50 individuals in attendance in the South Valley. Some of the topics discussed included the current water situation, P&P operations, the Rio Grande Compact, and field drains. Many farmers were in attendance and voiced their concerns about water operations due to the drought and RG compact restrictions.

Report on the WSWC/NARF Symposium, August 6, 2025

This symposium discussed tribal water rights settlements and issues in general. There were experts and participants from Tribal Nations, State governments, the Federal government, and other parties and addressed topics regarding completed and ongoing negotiated water rights settlements. This is an important topic as the 6 Middle Rio Grande Pueblos have started the settlement process.

Report on the Coalition of Six Middle Rio Grande Basin Pueblos, August 7, 2025

This month's coalition meeting was hosted at the Pueblo of San Felipe. Jason Casuga and Anne Marken provided the water update to the coalition members and mentioned the upcoming coalition of Rio Grande Water users meeting. Casey Ish was also present. We want to thank Governor Ortiz for hosting lunch at his home.

Report on Safeguarding Water in Conservation: A Land Trust Collaboration on Water Rights in New Mexico Meeting, August 8, 2025

This meeting was a gathering of various conservation groups in New Mexico, specifically for land trusts, and there was lively discussion about how to preserve critical lands, including farmland in New Mexico, as well as how MRGCD can help support land conservation and water conservation.

Report on the Hispano Chamber of Valencia County Banquet, August 9, 2025

The MRGCD was recognized as a sponsor helping with the World's Largest Matanza, helping to fund scholarships for local Valencia County youth, and preserving the cultural heritage of farming in the valley.