

Exhibit "F"

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

ANNUAL AND ONGOING PROCEDURES RELATED TO WATER BANK LEASES

M-05-29-2009-104

WHEREAS there have been numerous transfers of pre-1907 surface water rights occurring within the boundaries of the Middle Rio Grande Conservancy District; and

WHEREAS the State Engineer has been lax in the enforcement of permit conditions that require the cessation of irrigation on tracts from which pre-1907 water rights have been transferred; and

WHEREAS in times of shortage irrigation on lands from which pre-1907 water rights have been transferred must be curtailed in favor of lands where no transfer has occurred; and

WHEREAS the Board of Directors has an obligation to "protect water rights of the landowners of the district" (NMSA 73-14-47(B)) and the water supplies of the MRGCD, ensure adequate carriage water to irrigators and continue to support and promote aquifer recharge within the Boundaries of the Conservancy District; and

WHEREAS it is in the best interests of the constituents of the MRGCD for a healthy ecosystem to be maintained while respecting the priority of right to water; and

WHEREAS "No sale, lease, assignment, permit or other right in the waters of the district shall be made or granted which shall infringe upon or interfere with the water rights of lands in the district..." (NMSA 73-14-47(A)) and further that "The rights of persons... to the waters in and of the district for irrigation... shall extend only to such rights as were owned by them or their predecessors prior to their inclusion in the district..." (NMSA 73-14-47(C));

NOW THEREFORE, be it resolved that the MRGCD shall administer the delivery of water within the District boundaries consistent with statutory obligations. To that end, using appropriate information that has been provided by the Office of State Engineer wherein tracts having transferred pre-1907 water rights and the landowners have been notified that no further irrigation can take place have been identified, and which tracts appear to still be irrigated according to the records of the MRGCD, the MRGCD shall notify the property owners of the status of their lands and provide an opportunity for these owners to correct the information in a timely manner. This notification shall also state that, barring corrective information, the continuation of irrigation shall be contingent on the owner providing proof of an alternative source of water for irrigation, which may include the MRGCD water bank, and that failing such proof the property access to irrigation water through the MRGCD works shall be terminated prior to the upcoming irrigation season. Immediately, and in ongoing cooperation, the MRGCD shall request from the Office of the State Engineer a current cumulative identification of lands, in an appropriate and usable format, from which pre-1907 water rights have been transferred and the landowner has been notified that no further irrigation can take place.

IT IS FURTHER RESOLVED, on or about March 1 of each year, the MRGCD staff shall make available to the Board and to the public an assessment of water available for the irrigation season, based on best available information regarding snow pack, climate conditions, average precipitation, and any other pertinent information as may become available. Based on this information and any subsequent updates, the MRGCD shall make determinations regarding water available for delivery to fulfill leases, and curtailment of leases as described in the water bank policy.

FURTHER, be it resolved that this resolution shall be in immediate effect upon passage by the Board of Directors.


DATED AND RESOLVED this the 29th day of May, 2009

MIDDLE RIO GRANDE CONSERVANCY DISTRICT



Gary Perry, Chairman

ATTEST:



~~Stephen Hauser, Secretary/Treasurer~~

STEVEN HOUSER