

# Exhibit "O"

BK70-173

**MINUTES OF THE TWO THOUSAND & SIXTH  
REGULAR MEETING  
OF THE  
BOARD OF DIRECTORS OF THE  
MIDDLE RIO GRANDE CONSERVANCY DISTRICT  
August 13, 2012**

Directors having been duly notified, Chairman Lente called the meeting to order at 3:03PM at the MRGCD General Office. The following Directors and Staff were present:

**DIRECTORS:**

Derrick J. Lente	Chair	
Eugene Abeita	Vice-Chair	
Adrian Oglesby	Director	
Karen Dunning	Director	
John P. Kelly	Director	Absent
Chris Sichler	Director	
Johnny L. Paiz	Director	

**STAFF:**

Subhas K. Shah	Chief Engineer/CEO
Charles T. DuMars	Chief Water Counsel
Bruce Wiggins	General Counsel
Steven L. Houser	Secretary/Treasurer
Jeanette Bustamante	Administrative Officer
Leonard Utter	Engineer Associate
Ray Gomez	Assistant Engineer
David Gensler	Hydrologist
Yasmeen Najmi	Planner
Tom Thorpe	Public Information Officer
Joe Brem	Albuquerque Division Manager
Johnny Mounyo	Socorro Division Manager
Eric Zamora	Belen Division Manager
Lawrence Troncota	Cochiti Division Manager
Jim Russell	Maintenance Supervisor
Daniel Clouser	Ditch Rider Supervisor

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

Valerie Moore	Mike Lundmark
Claudio Gonzales	E. Paul Torres
Sophia Torres	Antonio Chewiwi, Pueblo of Isleta
Florentino Torres	Cody Walker, Pueblo of Isleta
Joselyn M. Torres	Joan Marsh
Harvey Hennigan	Gary Stansifer, OSE
Daniel Bracken	Leo W. Romero
Mathew Jaskiewiz	Carmen Romero
Ken & Rosa Armijo	Michael Layton
Kenneth Baca	Louis Romero
Seferino Lucero	Harvey Crowley
Magdelene Lucero	Martin Haynes
Jess Franks	Mario & Linda Rosales
Daniel Lopez	Susan White, South Valley Ink
JoAnn Van Der Geest	Pat McCraw, South Valley Ink
Blake O'Hare	Lorenzo A. Benavidez, MRGCD
Jericho Sanchez	Frank Lovato, MRGCD
Armando Cordova	Joseph Leyba, MRGCD

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

Chairman Lente requested that Director Paiz lead the Pledge of Allegiance.

Chairman Lente welcomed the guests and declared a quorum.

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

Chairman Lente called for approval of the agenda. He said Mike Hamman of the BOR will not be present at the meeting to give his report and Director Oglesby informed the Board that Charles Riley of the BIA would not be available to make his report. Director Sichler said he had a couple of comments/questions that he would like to make under Reports from the Department of the Interior and Chairman Lente said he could make that agenda item 7a.

Director Abeita made the **MOTION TO APPROVE THE AGENDA AS AMENDED**. Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

**AGENDA ITEM NO. 3 – APPROVAL BILLS AND PAYROLL RATIFICATION**

## a. Payment Ratification – August 3, 2012

Chairman Lente called for approval of the Bills and Payroll Ratification for August 3, 2012.

Director Paiz **MADE THE MOTION TO APPROVE THE BILLS AND PAYROLL RATIFICATION FOR AUGUST 3, 2012 AS PRESENTED**. Director Abeita seconded the motion. The **MOTION CARRIED** unanimously.

## b. Approval of July 2012 Invoice for Wiggins, Williams &amp; Wiggins

Chairman Lente called for approval of the July 2012 Invoice for Wiggins, Williams & Wiggins.

Director Oglesby **MADE THE MOTION TO APPROVE THE JULY 2012 INVOICE FOR WIGGINS, WILLIAMS & WIGGINS AS PRESENTED**. Director Paiz seconded the motion. The **MOTION CARRIED** unanimously.

**AGENDA ITEM NO. 4 – APPROVAL OF THE MINUTES**

## a. Insurance Workshop and Regular Board Meeting July 23, 2012

Chairman Lente called for approval of the minutes for the Insurance Workshop and Regular Board Meeting July 23, 2012. Director Dunning requested more information be placed into the portion of the minutes on the Insurance Workshop regarding the process of moving forward with litigation and the Board has no say in that; it's all determined by the firm that is representing the District.

Director Paiz made the **MOTION TO APPROVE THE MINUTES OF THE INSURANCE WORKSHOP AND REGULAR MEETING OF THE BOARD OF JULY 23, 2012 AS AMENDED**. Director Abeita seconded the motion. The **MOTION CARRIED**.

**AGENDA ITEM NO. 5 – FLORENTINO TORRES – DITCH BREAK ON VEGUITA #2 – MARCH 12, 2012**

Ms. Joselyn M. Torres said she was here on behalf of Florentino and Sophia Torres; who are also in attendance. She said the Lucero's, who reported the ditch break on March 19, 2012 to her father, are also here. Ms. Torres then went on to give details of the break, and how it was reported to MRGCD personnel. She said the Board has the documents and photos that were submitted in the damage claim and she detailed those claims. Ms. Torres went on to give additional information on their damage claim. She said they have gone through the entire process and they are now before the Board to ask that the claim be ratified as requested.

Chairman Lente asked Mr. Shah if this had been brought to the insurance company and Mr. Shah responded yes and the insurance company denied the claim. Leonard Utter, MRGCD Engineer Associates

read the denial response from the insurance company. Director Abeita said that Mr. Torres did call him after the incident and he took a look at it. He said two meetings ago he brought up the issue of accuracy and concurrence with the actual report and he felt that both parties should agree on what is on the report and make sure it's accurate before it's turned in. Director Oglesby said he is particularly concerned about Ms. Torres' mention of retaliation and he said generally the District does not put accusations in the minutes unless there is proof presented. He said he would encourage higher levels of staff investigate this and speak with the Torres' to find out what their experience is.

Director Sichler asked General Counsel where the Torres' go from here if they feel they have a valid claim. Mr. Wiggins said the claim is not against the insurance company, it is a claim against the District and whether or not the District is liable has not yet been determined. He said the claim was turned over to the insurance carrier to make a determination of liability. He said if the carrier decides there is no negligence, then the claim is denied; the claim still exists. Mr. Wiggins said if the claimant wants to pursue, then they go to the next level which is probably to file a lawsuit. He said the insurance company, under the contract, has an obligation to defend the lawsuit. He said it is not the Board's prerogative to do anything other than allow the carrier to defend the claim on whatever basis they determine is appropriate. Mr. Wiggins said for the Board to get in the middle of a claims process, while it is ongoing, is a violation of the contract of insurance and could easily result in the contract being voided and negated. He said if the claimants want to move forward, there will be a hearing on the merits and a jury or a judge will decide who is right and who is wrong and if there is liability assessed to the District, the carrier is obligated to pay that liability. Director Oglesby said the Torres' have a lot of factual information and asked if there was an internal appeals process where they could ask the insurance company to reconsider, based on their version of the facts, and Mr. Wiggins said there is no such process. He said staff could forward to the insurance carrier the comments that Ms. Torres has made and if insurance company then decides they want to take into account some additional opinions and facts, then it is up to the insurance company and is not a function of the Board or staff to make any kind of determination on whether the insurance company did its job correctly or not. Dr. DuMars said the District is a political subdivision; not a private company and the District provides the information as objectively as they can and then the insurance company takes over. He said that Director Abeita has a good point and in these situations, which happen frequently, how the incident happened can only be determined in sometimes a matter of hours. He said his suggestion is for the Board to put in place a process for investigating these incidents so that each person gets its due process before it goes to the insurance carrier.

Chairman Lente said to Ms. Torres that at this point in time, based on the recommendation and advise of Legal Counsel, is not in a position to make the decision and is advising the Board to step aside and let the insurance carrier handle the claim and as a Board they are advising the Torres', if they want to pursue another avenue, then they should get Legal Counsel and file a claim against the decision that was made. Ms. Torres said she has a question and she said there is no basis of fact in which the insurance company made the decision that the culvert was a private culvert and contradicts the policies of the District. She said she is asking the Board to ask the insurance company to do further investigation and otherwise there is no point to have item number four of the new policy which says there is a right of appeal of decisions.

#### **AGENDA ITEM NO. 6 – ITEMS FROM THE FLOOR**

Claudio Gonzales said he was before the Board to complain that twelve hours is an excessive amount of time to irrigate on his property and having water on fourteen days rotation is unreasonable because the Ditch Riders do not follow the policy and he is asking the Board to have the District follow the rules. He is also asking the District to monitor the keys that are out for gates.

Valerie Moore said she is a farmer in Lemitar and she is at the meeting to express her concern and maybe a recommendation. She said because of the low flow and not enough water to water the way the irrigators are use to. She said a lot of farmers are panicking and she is already hearing her neighbors complaining about each other and her recommendation is for the District to make sure there is a fair, equitable and strict water rotation and more staff to manage the water.

Magdelene Lucero said they had a ditch break on May 6, 2012 just like the Torres', in the same area, and they have gone through the same process and were denied the insurance claim as well and they are stuck with the damages. She said they are suffering the same retaliation from the Ditch Rider as the Torres' and they have been locked out since May 15<sup>th</sup> and she went on to give some examples. Director Oglesby

requested that Mr. Shah look into this and report back to the Board in an Executive Session. Mr. Shah said the Belen Division Manager is working on this issue.

Daniel Lopez said he is from the Lemitar area and they are really hurting for water. He asked about the water after the irrigation season ends and has the Board ever considered help to irrigators to make their lands more water efficient. Dr. DuMars gave a brief explanation of the Rio Grande Compact. Director Oglesby said he is on board with making irrigators more efficient and there was a forum last year with all the funding agencies that could assist the farmers and if Mr. Lopez has any more ideas, please let the Board know.

Harvey Crowley requested that he be given an opportunity to speak after the Water Availability Report and Chairman Lente gave him that permission.

JoAnn Van De Geest said she irrigates in Valencia County and she now has a Ditch Rider that communicates and is very responsive. She said she appreciates the Board placing the status update on the unauthorized gate on the agenda and will she have an opportunity to respond. Chairman Lente said no that it is a status update only and there will be no interaction.

Jess Franks said he wanted to comment on the gate and since the gate has been on the ditch it has solved a lot of problems. He said there is less trash, the hot rodders have slowed down a bit and there are fewer break ins. He said it keeps those people off the ditch bank that shouldn't be on the ditch bank.

Kenneth Baca said he is a five generation farmer in Los Chavez and he and his children ride horses on the ditch all the time and the gate is not an issue. He said that Mr. Lundmark has taken his time and his money to protect his property, the people along that easement and has removed a lot of the trash by himself. Mr. Baca said he has cut his watering time by half, there are those irrigators that water the weeds, the road and the street, and they don't take care of their ditches. He said the NRCS does have funding to help farmers and they have an office in Los Lunas for those that need financial assistance.

Michael Lundmark said he is from Los Chavez said the gate issue has taken a lot of valuable time and there are so many other issues that need attention. He said there have been many claims about the gate that are untrue and he has presented factual information to the District. Mr. Lundmark said he was requested by the District to contact the owners on the ditch, which he did, and they all enthusiastically support the gate.

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

- a. Bureau of Reclamation – Mike Hamman, BOR Area Manager was not available to give his report

Director Sichler said he has asked the Bureau of Reclamation several times about the Low flow Conveyance Channel in Socorro County. He said right now that is where irrigators are getting a lot of their water. He said it is overgrown with weeds, brush, trees and Beaver dams. Director Sichler asked Mr. Shah to follow-up with Mr. Hamman on this and see if they can at least clean out the Beaver dams so they can get more water. He said he believes it is the responsibility of the BOR and they need to do it. He said with all of the Division Managers in attendance at the meeting, he feels it is important they pay close attention to the drainage ditches and find areas where there are obstructions because they need all the drainage water they can get. Mr. Shah said he has spoken to the BOR and he will do it again. He said if they don't do it and if they allow the District to get in there, the District will do it.

- b. Bureau of Indian Affairs – Charles Riley, Designated Engineer was not available to give his report.

#### **AGENDA ITEM NO. 8 – REPORT(S) FROM THE CHIEF ENGINEER (Subhas K. Shah)**

- a. Water Availability Report – David Gensler, MRGCD Hydrologist

Chairman Lente said after Mr. Gensler's report, the Board will entertain a short Q&A session.

Mr. Gensler said they have about reached the point that they have been worried about all year long. He said storage is getting quite low and the end is in sight. He said he communicated with Mr. Shah and he in turn communicated with the Board about a week ago on the levels. Mr. Gensler said at that time he expected to be out of storage around August 14<sup>th</sup>, the rains during the last week helped out a little bit and he ran through the numbers again this afternoon and it looks like there is about 8,200 ac ft in storage. He said presently they are releasing about 1,300 ac-ft per day and if nothing changes, the District will probably be out of storing supplemental water late on Saturday night or sometime on Sunday morning. He said at that point it will be the natural flow of the river; if it is a lot of water great and if it's not very much water then everyone will be struggling. Mr. Gensler said the current forecast doesn't look too bad and there's a good chance of moisture throughout the coming week; it's a fluid situation with things changing daily. He said the river right now is quite low naturally. The rain fell right in the vicinity of Otowi or Cochiti Reservoir area and not much coming in up high in the system and so stuff around Embudo and La Puente on the San Marcial are very low. He said natural flow in the upper part of the State is about 230 cfs and there are irrigators on the Chama and the main stem of the Rio Grande above Cochiti consuming a portion of that water, there's drain consumption and evaporation and so there's probably only on the order of about 150 cfs naturally in the Middle Valley today compared to a release out of Cochiti of about 950 cfs. Mr. Gensler said the vast majority of the water supply is now supplemental. He said at the present time 140 cfs is being diverted at Cochiti, Albuquerque diverting 170, Belen has about 410 today, Socorro is struggling and they have 125 in the Socorro Main which is about 25 less than what he considers the bare minimum. Mr. Gensler said Socorro is getting by pretty well on the northern and southern ends, but struggling a little in the center section by Lemat and Socorro.

Mr. Gensler said other things about the River; there is no more Silvery Minnow release, the District is not bypassing any water and the Bureau is not releasing water. He said he is estimating about 7 or 8 cfs passing at Isleta Dam and that is carried for about 2 to 2 ½ miles down and the River is dry down to the vicinity of Belen. He said it wets up at the Belen Bridge for a few miles and then it is dry again for there down to just about Highway 60; about 20 miles that have dried through that Isleta stretch of the River. He said at San Acacia there is no water being bypassed, the District is picking up everything which he estimates is no more than 5 cfs leakage at the Dam and the River is making it for about seven miles, a couple of miles north of Escondida, and from there on it is dry all the way to where the Bureau is pumping water back in the River south of the Refuge.

Chairman Lente asked how do the rainstorms impact the numbers and how much rain is needed to push back for a day. Mr. Gensler said staff is really good about diverting the water when it rains. He said with the previous rains it hasn't been enough to pull back releases, but in the last week there were some rains above Cochiti and there was very little release from Abiquiu. He said it would take an influx of at least 200 cfs above Cochiti and staff is getting better about reacting to the smaller storms.

Director Abeita said that Mr. Riley is not at the meeting today and he was going to ask him about the P&P releases and can Mr. Gensler fill them in. Mr. Gensler said since August 1<sup>st</sup> there have been no more P&P releases. He said the releases were authorized for the month of July and he's not sure on what the status is at this point. He said there is stored water set aside for P&P release if necessary and it's up to the BIA and Pueblos at this point in time.

Director Oglesby asked about the recreational releases on the weekends does that continue or does it shut down. Mr. Gensler said that water is in transit only from El Vado to Abiquiu and right now it is mostly District water that has been covering that; which has been fine because the District is moving the water anyway and it's in everyone's best interest. He said once the movement of water stops there is some ABCWUA water sitting in Heron that will need to be moved to Abiquiu and the Bureau will probably continue that through the Labor Day weekend. Director Oglesby asked who accommodates the carriage loss on that water. Mr. Gensler said it's going to be San Juan water and so the carriage loss is a calculation, not actual loss, and he explained the process.

Director Paiz said he wanted to say thanks to Mr. Gensler and Mr. Thorpe for letting the public know about the water situation. Director Sichler said that since they got the word out, the irrigators in Socorro have pretty much been out of water.

Director Sichler said he had a question about the water that was owed to the District from the City and could Mr. Gensler update him on that. Mr. Gensler said it was a period of time in which the City was diverting natural Rio Grande water when there wasn't any natural Rio Grande water left in the system and so, in fact, they were taking the District's San Juan Chama water. He said that occurred for a period of nine or ten days and once it was brought to the attention of the ABCWUA's they upped their release of San Juan Chama water to their old diversion amount and they did transfer an amount of water back to the District; which has subsequently been used to make up for that loss. Director Sichler said there is some water set aside for next year and there's talk from some irrigators that one more irrigation might make the difference of getting them through this year. He said he's kind of indifferent on this and would like to open it up to the irrigators and listen to their concerns.

Chairman Lente asked Mr. Gensler about the water that is left in storage and perhaps releasing it for one more irrigation rotation for this year and bumping the date back and how much would that reduce the total in storage. Mr. Gensler said if there is one more irrigation, at the present rate, he estimates it would be about sixteen days worth of water. He said it takes between eleven and sixteen days to get in a full cycle; depending on where the irrigator is at in the District.

Director Abeita said releases of P&P water are based on a formula and he doesn't know how that formula was devised. He said it's a shame that the P&P water has to be released come November 15<sup>th</sup> and the Pueblos haven't made a call on it because of the formula and could that formula be changed so that it's a little bit easier to release P&P and what are Mr. Gensler's views. Mr. Gensler said that formula was derived by the BIA and the BOR and it's continued over the years. He said in one sense he agrees with Director Abeita that it would be nice if this water was coming out concurrently with everything else and it would certainly make a difference. He said on the other hand it gets to be a contentious and potentially complicated issued with the Rio Grande Compact. Mr. Gensler said he was concerned this year with the amount of storage that was actually tagged for P&P water. He felt the 30,000 that was initially there was enough to meet season needs. He said the extra 8,000 that the BOR took away from the District and re-tagged was unnecessary, and if it were available to the District today there would be another 8,000 the District could use right now.

Director Oglesby asked if Mr. Shah had contemplated going to the ABCWUA this year; the District has borrowed from them in the past and does he have a recommendation on that. Mr. Shah said they have spoken to the ABCWUA and they say they will work with the District, but he doesn't know what the terms will be. Director Oglesby said he just wants to make sure these conversations are occurring. Director Oglesby said he would like to ask the Division Managers if they needed more "boots on the ground" to do a better job and make it more efficient. Mr. Gensler said he thinks they need to work within the limits of what they have right now. He said he has said many times before that the world has changed and is changed and staff is still in the process of adapting from literally decades of essentially filling up the ditches and people taking it all. Mr. Gensler said there isn't that much water to go around and there are a lot of additional people wanting to use the water. He said they are training irrigators better and holding them accountable.

Mr. Gensler said as far as the actual water supply, he would like to add that just because they will stop the release of stored water it doesn't necessarily mean the ditches are going to be dry and the River doesn't stop running. He said he does expect there will continue to be some water in the ditches; just considerably less than what there is at the moment. He said there will be water for the Pueblos; there will probably be P&P releases and there will also be, most certainly, a release of Silvery Minnow water by the BOR and that will be to meet a flow target in the Albuquerque Reach of the River. He said once that water is released and done its job and arrives at Isleta Dam, then the District will get it and deliver it to irrigators. He said there will also be return flows from the City of Albuquerque; once the District stops releasing water, the ABCWUA, will shut off operations and no more diversions from the River, but they will continue to pump ground water and 50% ends up going back into the River. Mr. Gensler said there will be some diversions at three of the Districts structures and whatever can be scraped together from the drains will be delivered to Socorro.

Dr. DuMars said the public may want to look at the BOR "bucket" chart and explain just how much San Juan Chama water the District has available. He said it says under MRGCD in Heron it has 20,900, El Vado San Juan Chama there is 5,765 and 515 sitting in Abiquiu. He asked if there is more water than what he is seeing on the chart. Mr. Gensler said at Heron there is still the 20,900 and that

is FY12 San Juan Chama production and it has been the normal custom to take delivery of that water at the end of each calendar year and then it becomes supply in El Vado the following year. He said at El Vado itself there may be a little over 7,000 ac-ft and that water is wet water sitting in El Vado and about 500 ac-ft of wet water sitting in Abiquiu and there is still 12,-13,000 ac-ft in Heron which is labeled Water Utility Authority water which is going to paid back to the District as part of a rafting water exchange and he explained that process and why is not shown on the chart. He said other sources of water Other SJC Contractors 44,874 and the lion share of this is City of Santa Fe. He said the Buckmann Direct Diversion has been shut down for about 45 days because of water quality and they may have some surplus San Juan Chama water, and it might be useful to see if they might be interested in loaning some water.

Harvey Hennigan asked about when the water would be shut off and Mr. Gensler said that the last of the stored water would come out of the reservoir in the north probably Saturday night and it would take three to three and a half days to feel the effects.

Blake O'Hare said a year ago he began farming chili and sweet corn. He gave a brief history of how he got into farming and said his biggest concern is seeing the amount of water that is being consumed on alfalfa and grass and is there a hierarchy or level of livelihood for those that get water. He said those that are row cropping are relying on the water at the end stretch to get their production they are going to sell. He said there should be stricter management of the way the water is being distributed; they are getting cut short when they need it the most. Mr. O'Hare said he would ask that something be put in place and the farmers that have irrigated land, where they rely on the last month or so, be given priority and guaranteed production. Director Sichler said unfortunately the Rio Grande hasn't gone through prioritization and he thinks that Mr. O'Hare is right that people that grow alfalfa have already received a good portion of their water where other growers haven't received it. He said he thinks it would be a shame to see people raise a crop all year, that goes for corn as well, and they need one more irrigation, and if the District could do that that would be good. Mr. O'Hare asked what it would take to get a prioritization system and Director Sichler said the District would have to be adjudicated and he doesn't think that is going to happen any time soon. He said it would be good if they could get the crops out to the end and for next year the people growing these kinds of crops need to plan on having a well or something. Mr. O'Hare said his other concern is that he is also at the end of the longest community ditch in Valencia County, there are a lot of issues with gophers, weeds, and irrigators who refuse to close their turnouts after they water and he would like to request help in this area. Director Abeita said they hardly see young farmers any more and he wished Mr. O'Hare good luck. Mr. O'Hare requested the Board consider giving them one more rotation to finish out the season. Chairman Lente said that is what they will be considering as they hear from other irrigators. Mr. Gensler said that Mr. O'Hare needs to communicate and make sure his Ditch Rider is aware of his needs because if there is any possibility of diverting some water and he is on the list, it will be made available to him. Director Oglesby extended the invitation to Mr. O'Hare to take advantage of anything the District and Board could do for him.

Harvey Crowley said he has 250 acres of corn and all the planting and fertilizing have been done and if there is no more water available, the best they end up with is 50% crop and is not really 50% quality. He said if he can get water to complete this season, then he ends up with a much better crop that he can harvest. Mr. Crowley said they would rather take that chance and use it this year and if there isn't any water next, he simply won't incur the cost. He said they would rather use the water this year as opposed to saving it for next year and it is better economically for him to get the best value out of the current crop.

Daniel Bracken said he would like to see the water used this year rather than wait for next year. He said everyone has planted, fertilized and have crops growing and maybe it can be a full year if they get the water.

Claudio Gonzales said one of the things he has noticed in his area, probably 30% of the irrigators are irrigating grass and will the MRGCD cut that off. He said he is asking because he has seen Federal publications that say that the largest agricultural product in the US is lawn. Director Oglesby said he has often thought about non-commercial irrigation in the District and in times like this when they are discussing cutting off the Water Bank and illegal irrigators and he is wondering if it might be within the District's rights to have a priority, not for corn and alfalfa, but of non-commercial, non-native



crops, if those could be cut off. Dr. DuMars said he has the statute describing the formation of the District and the fact that there is need to create power the District to choose how to regulate water in times of shortage and he read the statute into the record. Dr. DuMars said from this statute he thinks there is a tremendous amount of power and flexibility to make policy choices. He said the people that are paying property taxes are not going to be really happy and it is more of a policy. Director Oglesby said that would give the District the ability to say something along the lines as radical as "If you have a City of Albuquerque connection, the District is going to shut you down" and they can keep their grass green with that water. Dr. DuMars says he thinks it is a policy choice.

Corky Herkenhoff said that Director Sichler brought up an interesting point and he's sure that many farmers have run into the problem of asking the State Engineer for a permit for a supplemental well and are being consistently denied. He said he would like to ask what are the possibilities of drilling a supplemental well under the District's permit, would the District be opposed to that. Director Oglesby asked Mr. Shah if there were not already drought relief wells and what is that status on those. Mr. Shah said the District has been a co-applicant for supplemental irrigation wells where people can get a well permit under the District's permit and the OSE is not approving any more. Dr. DuMars said there are a number of situations where a private individual applies to drill a supplemental well and under the authority of the District's 0620 permit and the State Engineer, for a period of time, allowed those supplemental wells. He said they stopped doing this procedure in the late 50's and there haven't been any others. Dr. DuMars said the District looked into other wells that had been capped and they may not be any good now. Mr. Shah said there were a half dozen to a dozen supplemental wells in the South Valley and in the Belen area. He said they were dug by the District and pumping water into the ditches during a drought. Director Oglesby said a hydrologist in the South Valley mentioned that he wanted to take him and show him some of the wells and suggested that Mr. Shah might want to investigate these.

Michael Lundmark said he would like to make some suggestions about how the farmers could help themselves in the future. He said the District should work on ways to become more efficient in getting the water to the farmer and one of the things was to use herbicides along the ditches to keep the plant life down. He said at one time, on the Gabaldon Lateral, there was a study made about putting in a pipeline and this would get the water to the farmer with no loss sinking into the ground and the pipeline would be covered so trash would not be a factor. Mr. Lundmark said when he speaks to farmers around the country and they tell him that water is pretty cheap in the West and he as a farmer would be willing to chip in a little more on infrastructure improvement costs and line some of the ditches so the can get more efficient water.

Kenneth Baca said he has spoken with other farmers, especially where they are at right now and it's no one's fault – just the hand they have been dealt. He said there are a lot of hay farmers, and he doesn't know about those farmers that grow chili or produce, on a rotation if they go on a twelve day rotation, shut the water off and hold it back and then let it go. He said there are farmers out there that are producing a product to feed livestock to feed human beings. Mr. Baca said at the end of August there are less people irrigating and there is more water. He said for the cash guy, the one who subsidizes his income that gives them time to go back out, plant some fall crops, and get it established rather than fighting it in the spring.

Mario Rosales said he was from the Lemitar area and one of the problems they have been noticing as far as water distribution is a lot of weekend irrigators. He said you have a guy that has 400 acres and a weekend irrigator comes in, gets the water, and shuts this guy off. He said then the guy has the problem and the Ditch Rider comes to him and says he has been watering already for five days, but he doesn't realize that he told the other gentleman to go ahead and start to water. Mr. Rosales said he started on a small six acre field yesterday morning and was told he could have the water. He said there's a little lady next to him that only got one watering the last time; they couldn't get the water to her. Mr. Rosales said he told her to finish her watering and she ran out and then he started watering at 2:15 this morning and finished this afternoon at 2:15 on six acres. He said there is a check above him and there are a lot of weekend irrigators. Mr. Rosales said when he was a Ditch Rider there was a policy and a paper was given to him, when they were short on water, and it stated that there were no longer any weekend irrigators. He said he told a gentleman that he could have the water on Wednesday, and the gentleman told him he was working and Mr. Rosales told him that he would have to find someone that can water for him. Mr. Rosales said it's not impossible for someone



that works to water during the week; they can find a neighbor or someone else to fill in. He said he has been cut off three times on his chiller for the same reason and the reason was the Ditch Rider said that he told someone else they could water; they should have it written down.

Ken Armijo said he was a farmer in Sabinas on the west side of the river. He said this is a severe situation this year and he doesn't feel it's going to get any better for next year. He thinks there needs to be a clear communication with the Ditch Riders and a good relationship with them to call them up and say this is what's going on right now and try to keep it positive. He said when they start yelling at the Ditch Riders, they don't listen to them. He said he has a good relationship with his Ditch Rider, David Apodaca, and he's doing a really good job and that's the key and learn how to conserve the water. He said one suggestion would be to look at restricting the use of water for the weekend users to not be able to open their turnouts when it's not their turn to irrigate.

Director Sichler said there has been a lot of comment and he would like to make a suggestion to the Board. He said back in March the District was at 80% of the normal snowpack, which was where it was the year before, there was quite a bit of water in storage and thought there was enough for water for a couple of years maybe. He said at that time the Board told the farmers they thought it would be a similar year to the prior year, and then, and it's no one's fault, from March on there was 30% snowpack. He said last year the District began releasing water at the end of June and this year they started releasing water in the middle of May and gone through about 110,000 ac-ft. Director Sichler said no one saw this coming. He said a lot of irrigators have a lot of input into their crops and there are some crops that you control up front and then you don't get any profit until the end. He said he thinks District wide there might be five hundred acres of produce being grown – maybe a thousand, which isn't very much. He said there is field corn being grown which need a couple more irrigations to make a crop out of that. Director Sichler said he actually grows all three crops and speaking for himself as a farmer, he wouldn't mind seeing all the farmers that already have the input into their crops, if they could just be irrigated. He said he would like to direct staff that when they get to the Saturday date and run out of water and try to do the best we can with the water we have and hope for some rain. He said that maybe with some rain they can try to get the corn farmers that have all the expense in the corn one or two more irrigations to get them to the end of the year. Director Sichler said that as a Board they need to give staff the discretion to be in the process of looking for more water just in case they need a little more to get these people out to the end. He said maybe they should do a block release and at least give them one more irrigation. Director Sichler said he doesn't think they should panic, he would like in any way to save the water for next year and that would be good. He should he thinks they need to be patient and see what happens, but before it gets too dry give staff the authority, if they need to, to make that block release to get people out to the end of the year. He said he has learned a lot from this year that you just can't count on anything. Director Sichler said he's hearing the irrigators say they have a lot of money invested and all they need is a little more water to get them to the end of the year.

Claudio Gonzales said before the Board makes the decision on cutting off commercial versus non-commercial there is a fair number of people out there that are irrigating to supplement their freezers and stuff like that. He said he would like to ask the Board to review what the different counties consider crop status on that because he is one of those that doesn't sell his produce, but does put it in his freezer.

Louis Romero said he farms in southern Valencia County. He said he thinks it is a touchy subject and it is emotional. Mr. Romero said this is the second year in a row that he's not going to be able to plant alfalfa in the fall and in the last couple of years, he's going through a rotation which takes a lot more water because it's a new crop and needs more irrigating. Mr. Romero said he thinks most of the farmers he knows would rather have the water that is stored this year to finish off their crops. He said since there is a shortage of water, and it has been this way for a couple of years, but these people that have sold their water rights and are leasing water and how is it they are able to lease water when they've sold their water rights and profited from that, but he doesn't get to finish watering because they get the same opportunity as he does. Chairman Lente said this is a policy question that the Board is going to have to consider at this meeting and is it fair. Director Sichler said the Water Bank committee met and actually addressed some of these issues and will be reporting on it later in the meeting. He said when the Board talks about the water that is still in storage, 20,000 ac-ft, it's on sixteen days of water and Mr. Romero said if they even get one more watering that would be great.

Director Sichler said the Board has to be very wise, and get it and use it where it counts the most. He said that, as a farmer and an irrigator, if he doesn't get some water on his hay, he wants to see his neighbors that have put a lot of money into corn, he is willing to give up a little of his water to make sure they get out to the end. Director Paiz said if the District uses the water this year, then what's going to happen at the start of next year. Mr. Romero said the farmers won't plant corn next year or these crops that take a lot of water. He said they might go to more drought tolerant alfalfa.

Chairman Lente said he appreciates everyone that has commented and this truly is a decision and a discussion that involves everyone. He said that Director Sichler is exactly right that they shouldn't panic at this time; they should maintain and hope and pray that the God you pray to is going to take care and it will rain and it will be ok. He said that is why the constituents elected the Board was to make these hard and fast decisions with input from constituents and the Board doesn't just want to make the decision based on what they think is right; regardless of what the irrigators think. Chairman Lente said that what Mr. Gensler has told them is that, even though on the 18<sup>th</sup> the storage releases will cease, and that is flexible if it rains, they will have to depend on the low flow in the River and those produce crops that need the one last watering, the Board should just try their best to ensure they get the water. He said he is not saying the other areas should be pushed to the side; the Board needs to be flexible and maintain the friendship and a lot of that comes down to a policy. Chairman Lente said it is a policy that relies on the Board's direction to staff to ensure that those people who are scheduled, get their water, use their water and don't waste the water. He said those that aren't allowed to irrigate at certain times, if they don't respect that this is a water short year and they want to open their gates, then the District locks their gates. Chairman Lente said the District will not allow people without the authority to have keys to checks and operate checks and the District will ensure they are not be allowed to do that. He said those that don't have any water rights and are irrigating illegally, that the District lock their gates for sure. He said those that are on the Water Bank, sold their water and are leasing water from the District, knowing at the beginning of every single year that there is that caveat that they may not get a full amount of water in water short years. He said ditches might be low and dry in some areas, but he thinks it is going to be how the District manages the water at this point in time, how wisely its done and what policies the Board sets up, how are they going to play out and good they really are. Chairman Lente said he is indifferent and he doesn't know which way to really decide as to whether or not the Board considers that extra 20,000 ac-ft in storage and listening to the comments he has to ask for the Board's vote on whether or not the water is used this year understanding what Mr. Gensler told them, how long it will take, the need of the public and after that is considered, then the Board will make the decisions of now the season is done on the 18<sup>th</sup> or it is stretched to the first week of September; how the Board manages this. He said they will buy, maybe, twenty days and is that truly enough and they have to make the best decision possible for the people.

Director Sichler says he takes a little different approach in that he would like to direct staff, he thinks they need to make sure the people with the high dollar crops invested and get them watered out for the year. He said it could start raining this week and that won't be a problem. He said he would like to give staff the flexibility to use a portion of the water, or whatever they need, to reach that goal of getting people taken care of for this year. He said if they use a little bit of it or all of it, whatever they need to do, he thinks that's the approach the Board should take. Director Sichler says he hates for the Board to be too involved only because when they meet in two more weeks it might be too late for a good decision. Director Sichler said he makes the **MOTION TO LEAVE THE USE OF THE 20,000 AC-FT UP TO STAFF WITH THE UNDERSTANDING THEY WANT TO GET THE CROPS THAT NEED IRRIGATION OUT TO THE END.** Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously. Chairman Lente said staff now has the discretion to use the water.

Director Dunning asked about borrowed water and how and when it would be repaid and discussion followed. Director Sichler requested the status of staff researching borrowed water be placed on the next agenda.

Chairman Lente said it is the intent of the Board to try to work out a solution that is going to impact them the least as a farmer. He said if they have crops, they are going to do the best with the hand they've been dealt from Mother Nature and if there is an idea, if they are farming a certain crop and need water, let the Ditch Rider know and the District will do all they can to accommodate that. He said if they see people that are wasting the water or illegally irrigating, to let their Ditch Rider or staff

know so something can be done to affect that. He said that from now until the end of October, they need to make the water stretch as far as possible.

Chairman Lente said at this point, he would like to move to agenda item 10a.

Director Oglesby said the Board has just given the Division Managers the direction to somewhat prioritize produce crops and ask if there was anything in the way of resources that the Board could do to help with this task. Mr. Shah said there was one question – does the Board want to give staff the authority to borrow water or does the Board just want staff to talk with others about borrowing water and he needs to know. He said they have already spoken with entities about borrowing water, but does staff have the authority to talk terms and conditions. Chairman Lente said staff could have the discussions and then bring it back to the Board at the next meeting. Director Oglesby said the Irrigation/Water Bank committee could be helping Mr. Shah with those conversations in terms of direction. Director Sichler said he would leave it to staff if they think it is better to borrow the water than it is to use what is in storage. He said at some point you have to pay the borrowed water back and he doesn't really want to borrow a lot of water. He said he just sees the District trying to do the best they can to get those that have a lot invested in their crops to get them to the end of the season and then think about next year. He said the Board may want to wait and borrow water next year, but would like to leave that to staff.

David Gensler said the District went through this same scenario in 2003-2004 and with little shots of rain fall, they did make it though and nothing they haven't experienced before. He said he is a little unclear when he heard the discussion about prioritizing water delivery which the farmers are not very supportive, but he thinks it is the right way to do it in times of shortage. He said he feels like all of a sudden the decision is being placed on staff as how to do this with using additional storage. Mr. Gensler said he can see the situation coming where staff cuts back and there is a pretty small amount of water and they are moving it around to this fellow that has a produce farm in Valencia County and then getting constant pressure from big hay farmers to go ahead and release the water, they have to have the water. He said then he is getting calls saying they know there's a big pot of water up north and they want it now. Mr. Gensler said he's not sure where the Board stands now and he needs the direction. Director Sichler said he wants to be clear on his comments is that they all thought they would have a year out to September 15<sup>th</sup> and it was going to be like the last year. He said no one could foresee this happening and people planted for the long haul and he thinks the District needs to do their best to see these people out to the end. He said as far as next year goes, he said they need to have a well. Director Sichler said the reasoning behind what he suggested is just because of what they said at the beginning of the year and he thinks they need to do the best they can to make good on what they said. He said he's sure Mr. Gensler is going to get a lot of pressure from those that grow hay and it's going to get tough. Director Abeita said down at Isleta on the Indian Acequias the Mayordomo has told water users that corn and vegetable crops are going to come first and on the west side, where he's at, there are five supplemental wells at each acequia and he's sure those wells will introduce a little water into the system.

Dr. DuMars said the District does have an Memorandum of Agreement (MOA) with the ABCWUA and under that agreement there is an obligation to repay, but the District can also use the agreement to borrow water. He said it is conceivable to him that agreement can be used, with a supplemental agreement, to borrow some water to add to what they are trying to do. He said is real question is whether there is direction to staff to pursue the possibility of borrowing water under that Joint Powers Agreement or whether that's not one of the options. He said you don't go to those people, engage them in the possibility of borrowing water and then turn around and say just kidding. Dr. DuMars said he's not clear on what the direction is of the Board. He said there are a lot of reasons to not borrow, but if the Board decided that this is a year that it might be useful and spread the payment over time. He said the real question is does the Board want to charge staff with doing this and begin the process. Mr. Wiggins said particularly in light of the fact if the District is worried about having to make a decision today about using reserve water, the alternative needs to be considered at the same time, otherwise, they shut off the possibility of being able to borrow two weeks from now. Chairman Lente said he thinks there is consensus of the Board if staff wants to begin those discussions then do so as an alternative and at the meeting in two weeks, the Board can react to those discussions. Mr. Shah said they have already spoken to ABCWUA, there is a good possibility of borrowing water, and staff can put together the agreements and bring back to the next Board meeting.

**AGENDA ITEM NO. 10 – REPORT(S) FROM THE BOARD**

- a. Report on Meeting of MRGCD Irrigation/Water Bank Committee – July 25, 2012 – Directors Sichler, Abelta & Paiz

Director Sichler reported they met on July 25<sup>th</sup> with the intention of addressing the Water Bank Rule and he said there were some things they talked about that they wanted to accomplish and thought they should get started so it would be ready by the end of the year. He said one of the things they talked about was changing the lease period so that people could stretch out that administrative fee over a longer period of time. Director Sichler said one thing they discussed was the question of curtailment because it's pretty obvious that it's going to be an issue in the future. He said as far as curtailment was rather than having the Board make the decision when to curtail, would be they would place something in the policy that says when the natural flow of the river is less than meets all the demands of irrigators and there is x amount of water in storage in any given year, and they haven't come up with that x amount of storage yet, and he thinks that will be left up to staff. He said that would be the automatic curtailment and would take it out of the hands of the Board and staff and would also allow for people on the Water Bank to see the details and assess if they were going to be curtailed and help them make the decision on whether they want to lease water for that year. Director Sichler said one of the other provisions they want to place in the Rule, and they would leave this portion up to the Hydrologist, is if there is an excess amount of water in one Division, a large rain event in the system, that the Hydrologist could allow irrigation with Water Bank leases. He said their reasoning was there are times when there is a big rain and a lot of water for two or three days and so that would allow staff to go ahead and water the Water Bank irrigators with that extra water. Director Sichler said they would like to get this worked out for next year and have something in place.

Director Paiz said another item then discussed was because they are in August now and there is a shortage of water, those that are on the Water Bank this year would be left alone and not make a decision on curtailment. Director Sichler said that is a recommendation from the committee and would have to be a decision the Board will have to make. He said if they curtailed the Water Bank, it would have to be an agenda item.

Director Abelta said they have covered it all and there is one thing that was brought up at this meeting by Mr. Romero is the Water Bank verses the 1907 people. He said he feels this discussion will help them to fine-tune the policy and they will take all of this into consideration.

Director Dunning said she wanted to thank the Committee members for looking after the smaller Water Bank users and spreading the fees out. She said one of the things she wants the Committee to consider is in Urbanized areas, especially in Bernalillo County, government has spent a considerable amount of money investing in open space that is used to grow crops, habitat and recreation. She said a lot of those open space areas are on the Water Bank and because it's protecting a government investment it impacts a lot of people and her own personal wish is they get some kind of priority on the Water Bank rather than someone who is just trying to keep a Greenbelt exemption. Director Dunning said she feels the open space is really important to folks in Bernalillo County. Director Sichler said he's not sure how they would do that, but he would point out that the ABCWUA has 144,000 ac-ft of water in Abiquiu and he thinks they could probably arrange to use some of that water on their open spaces and so they are in pretty good shape. Dr. DuMars said he understands Director Dunning's concern about the open spaces; however, there is a tremendous amount of public resources that could be applied to those spaces. He said given the way taxes are allocated among the District, among the counties, it is clear there ought to be some support for that effort. He said if people would put pre-1907's into the Water Bank and make those available; that would be the perfect solution because they would not be curtailed.

Director Oglesby said he would like to commend the Committee for thinking about creating a predictable and identifiable trigger for these things. He said he wouldn't feel comfortable about cutting off the Water Bank at this meeting because those users haven't been given any notice. He said in a year like this, this is the year where the Water Bank users should be cut off, this is where they should be cut off; these people made a choice, sold their water, and took the money and now they are relying on something that is much less stable. Director Oglesby said he's not sure he's totally on board with

ruling out cutting off the Water Bank this year. He said he doesn't see it happening in the immediate future, but come September if things are still awful, he thinks it is something that should be left on the table. He said he does appreciate the committee looking at some kind of trigger because his thought was, along the lines of when releases are stopped out of the reservoir, the Water Bank users should be cut off – something definite that people can see and say in two weeks I'm out of water. Director Oglesby said over the winter time, the Board needs to work with staff to determine how to do this so it can be done efficiently.

Chairman Lente said he concurs with Director Oglesby regarding the Water Bank users and he respects those on the Board that this year they don't want to touch the Water Bank and he respects that. He said he thinks they are the first people that should be cut, other than those that are irrigating illegally. He said they should keep this discussion open and if it gets really bad then they might be able to look at excluding those on the Water Bank to benefit from that type of water as well. Chairman Lente said next year when there is a trigger and a more formalized policy, then for sure they can cut them off. He said for this year not to exclude, at this point, the idea that Water Bank users are not going to be affected.

Director Oglesby said a meeting or two ago they formed a committee to look into illegal irrigation and how the Board could control that and he would like to schedule a meeting of that committee and report back to the Board at the next meeting.

Leo Romero asked Chairman Lente about the Water Bank users and Chairman Lente gave a brief update on the policy and what the Board wanted to do at this time regarding the policy. Both Mr. and Mrs. Romero told the Board they feel it is not fair that those people who have sold their water rights are still getting water and those that have water rights are fighting for the water to keep their farms going. Mrs. Romero said those are on the Water Bank should be cut off so others can keep irrigating.

Director Dunning made the **MOTION TO ACCEPT THE REPORT FROM DIRECTORS SICHLER, ABEITA AND PAIZ ON THE IRRIGATION/WATER BANK COMMITTEE MEETING OF JULY 25, 2012.** Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

#### **AGENDA ITEM NO. 8 – REPORT(S) FROM THE CHIEF ENGINEER (Subhas K. Shah)**

- b. Bid Abstract(s) – Jeanette Bustamante, MRGCD Administrative Officer
  - 1. Uniform Bid Award

Ms. Bustamante provided the details of the Bid Award.

Request for Bid was advertised on July 1<sup>st</sup> and 5<sup>th</sup>, 2012 for MRGCD Uniforms, and five (5) bid packets were issued to local uniform suppliers. The deadline for response was July 12, 2012 and three (3) bids were received.

After thorough review staff is recommending multiple awards to the following Lowest Responsible Bidders which met all Request for Bid specifications and mandatory requirements:

- 1. Uniforms & More
- 2. Zia Graphics

Chairman Lente called for approval of the Bid Abstract. Director Paiz made the **MOTION TO APPROVE THE RECOMMENDATION OF STAFF FOR MRGCD UNIFORMS TO UNIFORMS & MORE AND ZIA GRAPHICS.** Director Abeita seconded the motion. The **MOTION CARRIED** unanimously.

- c. Status Update on Unauthorized Gate on Los Chavez Drain

Mr. Shah reported that during a previous meeting Ms. Van Der Geest addressed the Board regarding a pipe gate that had been installed on the Los Chavez Drain that she described as an illegal



gate. He said that the District informed Mr. Lundmark, who had installed the gate at his own expense, would need to be in compliance with the District's Gate Policy. Mr. Shah said staff requested that Mr. Lundmark provide letters from affected property owners adjacent to the drain and those letters were provided. He said that additional information was received from property owners who had been vandalized prior to the gate being installed. Mr. Shah said Ms. Van Der Geest had reported that equestrians were no longer being able to use the ditch because of the gate and Mr. Shah said the Board has been provided photos of people on horses using the gate. He said that Mr. Lundmark has provided the District with documentation required by the District's Gate Policy and those are in process.

d. Discussion of Proposed Changes to MRGCD Land Sales Policy – Yasmeen Najmi, MRGCD Planner

Mr. Shah said the Board has been provided with a draft of the proposed Land Sales Policy and he detailed some of the suggested revisions. He said the policy was forwarded to Ms. Wiggins for review and the Board has the revised policy with Ms. Wiggins revisions. Chairman Lente requested the Board members review the policy for discussion at the next meeting.

e. Memo on MRGCD Approved Licenses for July 2012 (Informational Purposes Only)

Director Dunning said she was happy to see the completion of the license with the University of NM and expressed her appreciation to Mr. Gomez.

**AGENDA ITEM NO. 9 – REPORT(S) FROM THE ATTORNEY (Charles T. DuMars – Chief Water Counsel)**

a. Update on Coors v. ABCWUA Summary Judgment Motion – Dr. Charles T. DuMars – Chief Water Counsel

Dr. DuMars reported that he has provided the Board with a copy of the Summary Judgment on the Coors case. He said his firm argued that the District is no longer in the case, but if they are, the property at issue was built in 1934 and, therefore, could not possibly have pre-1907 water rights and there is no deed to the Coors property. Dr. DuMars said he is hopeful the District will soon be out of this case.

b. Update on Legal Issues Relating to ESA – Dr. Charles T. DuMars – Chief Water Counsel

Dr. DuMars said the Board has the update memo on ESA issues and he thinks the most valuable information is the calendar of future events and he said a number of important issues are going to be decided soon. He said there are a couple of items that he would like to highlight and the first is that Mike Hamman spoke with both he and Mr. Shah and said he was very pleased with the efforts of the District with the conservation measures to the Biological Assessment and they would be included as a reference document. He said the other item is that State agencies, the Interstate Stream Commission and the Office of the State Engineer are also seeking coverage and they will be providing their draft support by August 15<sup>th</sup>. Dr. DuMars said their comment will be relevant to the District and his firm will be keeping an eye on their comments.

Dr. DuMars said on May 25<sup>th</sup>, the District sent a formal request to extend the deadline to October 31, 2012 for consideration of the science to allow for more data regarding the Population Viability Analysis and they are awaiting a response. He said on July 23<sup>rd</sup> and 24<sup>th</sup> the PVA Work Group met and there was a presentation by the PVA modeler, Dr. Phil Miller. Dr. DuMars said when Dr. Miller characterized his report, he said it was in collaboration the PVA Workgroup; which it was not nor in collaboration with the Fish & Wildlife Service. Dr. DuMars said that Dr. Miller's firm made the correction to ensure the perception that his report was not in collaboration with either of these two groups. He said after a great deal of discussion it was concluded that the inputs should prevent current preliminary PVA results from serving as the basis for any conclusions in the Fish & Wildlife Services upcoming Biological Opinion and it should be used in the RIP process.



Dr. DuMars said didn't anticipate a decision on the Water Bank and so he put together three documents; the statutes that govern allocation of water, the existing Water Bank Rule and a sample letter that was devised in 2011 to advise people that they may be facing curtailment.

#### **AGENDA ITEM NO. 10 – REPORT(S) FROM THE BOARD**

- b. Report on Sustainable Agriculture Research & Foundation Conference – August 7, 2012 – Director Abeita

Director Abeita reported that it was one of the best conferences that he has ever attended. He said there were over 150 attending and the keynote speaker was Santa Fe Commissioner Anaya and he gave his philosophy on Natural Resources and the basis of his talk was "Take Care What You Have First". He said the Ms. Ortiz from the NM Acequia Association gave an historical overview of acequias in NM and should be carried on from generation to generation and the majordomos keeping the tradition. Director Abeita said one of the subjects that he got excited about was rain water harvesting which has evolved into a large practice and he gave demonstrations on capturing water. He said at the Pueblo of Sandia on October 18-20<sup>th</sup> there will be a workshop on rain water harvesting and he has the information if anyone is interested. Director Abeita then gave additional information on sessions he attended during the day.

Director Dunning made the **MOTION TO APPROVE THE REPORT BY DIRECTOR ABEITA ON THE SUSTAINABLE AGRICULTURE RESEARCH & FOUNDATION CONFERENCE – AUGUST 7, 2012.** Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

- c. Report from BIA Negotiations Committee – August 13, 2012 – Chairman Lente, Directors Sichler & Oglesby

Chairman Lente said they met prior to the Board meeting to discuss a meeting they will be attending tomorrow regarding the BIA O&M contracts. He said there are some folks from Washington, DC on behalf of the BIA and the Pueblos for a continuation of discussions to negotiate a final O&M contract for the Pueblos. He said the committee met to discuss the roadblocks of the past, how they might be able to get past those and what's the best way to come to a final agreement. Chairman Lente said they are hopeful that they can put an end to having this as an issue or go to an interim agreement. Both Directors Sichler and Oglesby concurred with the report and had nothing to add.

Director Dunning made the **MOTION TO APPROVE THE REPORT BY CHAIRMAN LENTE, DIRECTORS SICHLER AND OGLESBY ON THE BIA NEGOTIATIONS COMMITTEE MEETING – AUGUST 13, 2012.** Director Palz seconded the motion. The **MOTION CARRIED** unanimously.

Director Abeita said tomorrow at the Experiment Station in Los Lunas they are having their open house/field day and the Director of the Center has issued an invitation to attend and it starts at 8:00AM.

Chairman Lente said the Rio Grande Agricultural Land Trust is having their annual Harvest Dinner on September 26<sup>th</sup> and it will be a feast consisting entirely of locally-farmed organic meats, grains, fruits, and vegetables.

With no further comments, questions or concerns, Director Oglesby made the **MOTION TO ADJOURN THE MEETING**. Director Paiz seconded the motion and the **MOTION CARRIED** unanimously.

The meeting was adjourned at 6:05PM.

Approved to be the correct Minutes of the Board of Directors of August 13, 2012.

**Attested:**

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Steven L. Houser  
Secretary/Treasurer

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Derrick J. Lente, Chairman  
MRGCD Board of Directors