

Acequia del Caño
Minutes
Biannual Meeting
December 3, 2007

The meeting was called to order at 7 p.m.

Members present:

Ramos Archuleta for Eduardo Archuleta, Robert Baran, Jack Blum, Gary Clark, Loyola Garcia, John Gutting, Lany Berger, Erlinda Key, Tom Leitner, Victoria DeVargas, Marlene & Charlie Lujan, Meade Martin, Robin Martin, Maureen Merritt, Mark McNow, Mariano J. Tixier for Ramon/Maida Ortiz, Jim Rogers, Dolores Romero, Robert Salazar, Herman Gonzales for Transformations.

(Proxies from members not present are on file with the secretary).

Treasurer Joseph Montes was out of town on business.

82 votes were present, in person or by proxy. The quorum was determined at 7:30pm. A minimum of 59 votes is required.

The first order of business was to approve the minutes of the 01/09/2006 meeting. Jim Rogers noted that the minutes did not mention the discussion at the last meeting of the Aamodt suit or the Peters water rights transfer issues.

Jim Rogers moved and Victoria De Vargas seconded the motion to accept the minutes. The minutes were accepted unanimously.

Jim Rogers mentioned the Soren Peters water rights transfer and recommended including Tesuque Pueblo as an ally in opposition to the Peters transfer. Meade Martin said that he planned to report on that situation later in the meeting.

Secretary Meade Martin spoke about considering the possibility/legality of putting liens on properties that are in arrears on acequia dues, as one way to keep dues current. A discussion followed. John Gutting suggested that there needs to be state legislation passed that would give title companies the ability to determine if a properties' water rights are current at the time of a real estate sale, if the ditch dues are paid up, and no lawsuits pending on water rights issues, etc. before issuing clear title.

Majordomo report:

Jack Blum stated that only 10 people on the Acequia del Caño are in arrears with their dues and of these, only 5 active members are actually delinquent, the other 5

are chronic properties “in limbo”. There was a brief discussion of what to do about them. No action was taken.

Treasurer’s Report:

(Submitted by Meade Martin for Joe Montes)

An explanation of the figures on the Treasure’s report handout (attached) followed.

An addition error was noted on Mida Ortiz pond blowout expense. It should read \$984.92 not \$783.92.

Of the \$2,447.99 total balance of funds, \$580.00 is in savings.

An additional \$100 needs to be subtracted from funds in the checking account for contracted backhoe work to maintain diversion after the flooding in early December 2007.

Expense increases for 2007; Cleaning cost \$4000.00 this year, up by \$400 over last year, due to widening of stretches of our acequia by contracted work crew.

Maintenance increased by nearly \$1000 over last year to \$2,670.00 due to flooding, post and brush dam/weir installations, and backhoe work on the diversion.

Peter Schoenfeld’s attorney fees in the amount of \$293.75 for representing the acequia at a hearing at the Office of the Sate Engineer on acequia metering were not included in report.

Terminal pond and Poleo lateral cleaning expenses of \$1,266.00 were discussed briefly.

John Gutting moved and Ramos Archuleta seconded to accept the treasurer’s report. Passed unanimously.

President’s Report:

Robert Baran spoke, with an accompanying slide show:

Slides showing that the Daren Ortiz’ ranch skunk gates obstructing the ditch were removed. The Acequia del Caño will install a pedestrian access gate in Ortiz’ fence at cost of about \$20-30 in the near future, for required access to ditch easement.

Meade Martin, Darren Ortiz and Jack Blum's nephew, Lenny Natural all contributed time, equipment and materials to fix the blowout caused by the Daren Ortiz skunk gates in January, 2006.

(The following note is included in the minutes at Jack Blum's request. Meade Martin, several of his employees his dump truck and gasoline powered cement mixer were used along with Jack's Tractor. Gary Clark, who was irrigating at the time of the blowout, chipped in money to pay some of the labor. Daren Ortiz donated at least a dozen sacks of quickcrete.) The group acknowledged their work and donations to that mishap.

Rob Salazar and Ramos Archuleta spoke about the buried pipe improvement project on a section of Poleo lateral for the Salazar property, while slides were shown of site work. Robert Baran commented on how well the project went. Maureen Merritt indicated she is a parciante on Poleo lateral; asked questions re: the state funded project, spoke about the benefit of having all parciantes on a lateral be made aware and have option of participating in these type improvements for the benefit of everyone. General agreement was expressed.

Slides were shown of the ditch blowout on the Midkiff property 4 years ago. A new culvert was installed which corrected the problem.

Maida Ortiz' pond blowout slides were shown. Robert Baran spoke about what happened when the majordomo allowed a non-parciante, (renter Jim Dow) access to acequia water to fill an old unused pond on landlord/owner/parciante Maida /Ramon Ortiz' property. The pond bank was weak and ruptured. Slides were shown of the flood damage inside of Salmon Habib's garage, and damage on Paul Montoya's neighboring property. Robert Baran spoke about the responsibility for unplanned water releases. A long discussion followed on the issue of who is legally responsible for damages, in these situations.

Jim Rogers moved, Rob Salazar seconded, to have the Acequia del Caño pay for the \$900+ in damages this time. Victoria de Vargas stated we should be careful not to set a precedent by saying "it's OK, we'll pay for it" every time.

Maureen Merritt asked about E&O (errors and omissions) insurance for the Commission, limits of liability to acequia if a high dollar blowout or other catastrophic occurrence should happen. More discussion followed. Meade Martin stated that in a worse case scenario he believes that the commission would have to look to a property owners' liability insurance, or if none, then would have to sue

the property owner or other responsible party for damages caused by that parties negligence, *after* pay-out by the Commission. It was agreed that the Commission President would look into it further. The question was called on the motion in favor of the acequia membership paying for the damages. It passed unanimously.

Slides of the November 3rd, 2007 work party building post & brush dam/weir on the river to fix the diversion. Robert Baran stated the project was well attended with 16-17 volunteers present. Maureen Merritt provided lunch. Pete Romero donated time, expertise, and new equipment to help with diversion repair and upgrade. (Jack Blum asked that it be noted that La Mesita Ranch sent two volunteers and Meade Martin supplied his dump truck and driver with several loads of brush.) The commission expressed thanks for these and other contributions by parciantes to protect our acequia.

Slides of the Jose Gabriel Ortiz acequia outflow, showing debris being moved away from their ditch to fix our previous interference on their outflow and correctly redirect it to South side of river. Robert Baran commented, “We didn’t always react quickly enough to jump on diversion problems as they came up throughout the year. We will work to do better going forward”.

Slides of the new county-installed culvert on Nambé River, as well as the new brush/post weir, with new river bed deposits after the early December flooding, and resulting improved riverbed elevation.

Robert Baran suggested that all parciantes do main ditch cleaning next year instead of paying a crew (expensive). Much discussion followed.

Ramos Archuleta moved to keep the professional crew cleaning and have parciantes lightly “pre-clean” entire ditch or just do one thorough section, instead of whole thing. Erlinda Keys seconded. It passed unanimously. Robert Baran will put a date in next newsletter for ’08 volunteer work party assembly, with consideration of waiving acequia dues for those who participate.

Secretary’s report:

Jim Rogers asked for an Aamodt suit update. Meade Martin reported that the Settlement Negotiation Team is in the process of drafting Federal legislation to present to Congress in January 2008 for settlement of the forty-year-old suit. Funding is being requested for non-Pueblo and Pueblo water systems, water treatment plants, distribution pipelines etc. The State Engineer is already installing new meters on all Pojoaque Valley acequias, which will monitor amounts of water

used by the acequias. This action relates to the Aamodt Settlement, if it is implemented, will mean restrictions on our use of water in the future.

Jim Rogers asked about the Peters water rights transfer. Meade Martin stated Erica and Soren Peters applied to transfer their 6.2 acre/feet of Acequia del Caño water rights, to the Ciruelas ditch on their Chupadero property 3 years ago. This transfer application was only published in *Santa Fe New Mexican* recently (May, 2007). Once Acequia del Caño Commission learned of the publication of this application, they along with other entities including the Pueblos, filed a formal protest with State Engineer's Office. A hearing is the next step. Meade Martin said that at minimum our protest will be against the permanent loss of our water rights and that this transfer sets a bad precedent for acequia water rights being transferred away from the land. He stated Acequia del Caño has about 180 total acres.

Robin Martin brought up that they have in their home office the old Acequia del Caño books and records that are 80+ years old and that they should be archived to avoid damage. She has spoken with the State of New Mexico Records Center and Archives on Camino Carlos Rey in Santa Fe, and they have agreed to house the records for 5 years for safekeeping. The public and acequia members will have access to the documents and the acequia will get a copy of the documents for everyday use. After five years the storage agreement can be renewed.

Robin Martin moved and John Gutting seconded to proceed with moving the old books to state record center. It passed unanimously.

Maureen Merritt passed around pictures of her new healthy pasture, prepped and seeded this season after 6 years of bare dirt. She spoke about how dry-land native grasses along with good irrigation practices can transform fallow, weedy ground into productive grassland, without application of chemicals. Gracias to parciante Pete Romero for his help and instruction.

Last item on the agenda was the election of officers for next 2-year term. The floor was opened to nominations. There were none. John Gutting moved to keep current slate of officers, Jim Rogers seconded. The same commissioners were reelected unanimously by acclamation.

Other business:

Meade Martin stated NRCS funding initiative for Acequia improvement projects is stalled out due to his lack of time and other constraints. He asked for volunteers to take over process of securing funding. Stated familiarity with politicos,

government agencies, grant-type writing helpful. No takers. Maureen Merritt eventually volunteered her services.

Meeting Adjourned at 9:20PM.

Respectfully submitted by Meade Martin, Secretary, from notes taken by Maureen Merritt and Robin Martin, parciantes in good standing.

Acequia del Caño

Biannual Meeting
December 3, 2007, 7:00 pm
Pojoaque Valley Irrigation Office

Treasurers report

Zia CU balances, Checking and Savings 12/3/07	\$2,447.99
Parciantes in Arrears	<u>\$1,206.41</u>
Total Current assets	\$3,654.40

Expenses 2006 & 2007

Cleaning 2006	\$3,600.00
<u>Maintenance 2006</u>	<u>\$1,790.79</u>
Total 2006	\$5,390.79
Cleaning 2007	\$4,000.00
<u>Maintenance 2007</u>	<u>\$2,670.00</u>
Total 2007	\$6,670.00
Office supplies 2006	\$45.02
“ “ 2007	\$113.90

Terminal Pond and Poleo lateral cleaning 2006	\$1,266.00
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Victor Lujan Consulting 2006	\$550.00
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Mida Ortiz Pond Blow Out

Paul Montoya	\$503.43
Jack Blum	\$260.00
Jim Dow	\$201.49
<u>Total Pond Break</u>	<u>\$783.92</u>
	\$984.92***

*** Corrected amount.