

Acequia del Caño
Minutes
Extraordinary Meeting

S.P.M.D.T.U. Hall/Pojoaque Valley Bible Church

April 21, 2009

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

Members present:

Eduardo Archuleta, Robert Baran President, Jack Blum Mayordomo, Peter Buehner, Debora Day, Gedi Cibas, Gary Clark, Leonard Gutierrez, John Gutting, Farrell and Edelle Hammel, Lany & Chuck Berger, Phil Loomis, Ernesto Lujan, Marlene and Charlie Lujan, Meade Martin Secretary, Tim Vigil for Pojoaque Pueblo (Midkiff), Joe Montes Treasurer, Jim Rogers, Robert Salazar, Mariano J. Tixier, Tim Vigil for Pojoaque Pueblo (Transformations) Jeff Vigil. Ramos Archuleta, former member accompanied his father Edwardo.

The meeting was called to order at 7PM.

All 3 Commissioners and the Mayordomo were present.

18 member parcientes were present.

A quorum of 76 votes including proxies was determined at 7:30PM. (Proxies from members not present are on file with the secretary).

The meeting was convened in the kitchen of the newly renovated Pojoaque Valley Bible Church thanks to Alex Trujillo. It was a bit more commodious than the last meeting.

Meade distributed statements for the cleaning and maintenance to the members present

The first order of business was to approve the minutes of Nov.10, 2008 Acequia del Caño meeting. Gary Clark moved and Chuck Berger seconded the motion to accept the minutes. Jim Rogers asked for a report on the status of the parciantes in arrears and Meade and Joe Montes said that several of the arrears members had paid but that a number of the accounts were still uncollected. Steps were being taken to file liens on those properties.

The minutes were approved unanimously.

Meade began the discussion of the priority protest then interrupted himself to introduce Tim Vigil and Rick Dumiak who represent La Mesita Ranch for its new owner Pojoaque Pueblo. Tim Vigil stated that La Mesita Ranch was its own entity still and separate from the Pueblo and that they intended to carry on the good relationship that the ranch had always had with the Acequia community.

Then Meade talked about Acequia del Caño's assigned priority of 1859 by the State Engineer. He stated that Peter Shoenfeld had been hired to represent the parciantes whom had submitted a form to the first district court protesting the proposed priority of 1859. Peter Shoenfeld filed those protests with the court. Meade said that the commissioners had recently received the same paperwork

from the court and were in a quandary as to how to proceed as the motions adopted at the 11/04/08 meeting applied to members responding jointly to the priority assignment. These new Orders to show cause involved all of the members as represented by the commission. This change also cast a different light on how to share the financial responsibility of protesting the proposed priority. A motion adopted at the 11/08 meeting called for sharing the costs by acreage. Meade made a case for sharing the cost of the protest equally among all of the shareholders. A lively and sometimes heated discussion followed. Farrell and Edelle Hamill were adamant that the cost be shared by acre, as they felt that the large properties would benefit the most from the priority revision. It was argued that this protest was about each individual parciantes water right not about the amount of water that each parciante would receive and that as such each parciante would receive the same priority date and therefore should share equally in defending the earlier priority. It was acknowledged that this placed a larger burden on the small shareholders but that the acequia had sufficient funds in the bank to carry anyone who needed to pay in installments as long as they made some sort of payment arrangement with the commission. Some members questioned if this followed the bylaws of the ditch. It was stated that the bylaws do not address how to pay for these sorts of expenses.

Meade asked if a member present would move the motion drafted and presented by Joe Montes and Meade, which read:

Resolution:

Whereas the Acequia del Caño commission and parciantes disagree with the State Engineer's assigned priority for the Acequia of 1859.

We here by move that the parciantes authorize the commission of the Acequia del Caño, in response to the on going Aamodt litigation, retain legal representation for the purpose of establishing priority water rights for said acequia at the earliest historical date possible. The costs of this legal representation shall be shared equally among all parciantes of the acequia.

John Gutting moved the resolution, Seconded by Rick Dumiak.

More discussion followed. Tim Vigil and Rick Dumiak recommended that the association stick together on this issue. Ferrell Hammel stated that if the members adopted the resolution that he would sue the commission. He then stood up and walked out of the meeting. Robert Baran left the meeting temporarily to talk with Mr. Hammel. Edelle Hammel said that this legal bill was an added expense that she would see little benefit from. Other parciantes spoke to the benefits of certifying our earlier priority and that as this issue benefited each parciante equally then the legal expenses should be shared equally.

Chuck Berger offered a compromise that the legal fees incurred to date be shared equally and that all future bills be shared by acre. That idea was discussed favorably but no motion was made.

Rick Dumiak moved an amendment to the resolution on the floor, authorizing a payment limit of \$10,000 to be paid to the attorneys that would be divided equally amongst the parciantes. Should the amount reach \$10,000 a new meeting would be called to discuss how to proceed. Jim Rogers seconded the motion. The amendment passed without opposition.

The question was called. The motion passed with Chuck Berger, Robert Baran, and Edelle Hammel opposing the resolution.

It was noted that Joe Montes and Robert Salazar are working on obtaining a web domain name, building a website for the association and that an up to date email list was being assembled. It was also requested that an up to date email address be provided by all parciantes that have email.

The meeting adjourned at 8:45 pm.

Respectfully submitted by Meade Martin, Secretary