

Acequia Del Caño

Minutes of Special Meeting, 12-14-10

Approved unanimously at meeting held 12/6/11

Meeting was called to order at 7:20 pm. Shareholders signed in and some carried proxies for shareholders not in attendance. Sufficient number of shareholders and representatives with proxies were present to constitute a quorum for voting. Shareholders or those represented by proxies are listed here with record of water rights owned.

| Voting In Person or By Proxy | | | |
|-------------------------------------|-------|--------------------|----------------|
| Archuleta, Eduardo | 2.72 | Lopez Victoria | 0.762 |
| Baker James | 0.793 | Lovato Carla | 0.66 |
| Baran Robert | 1.9 | Lujan Marlene | 1.71 |
| Berger Lanny | 2.89 | Mcnown, Mark | 1.83 |
| Blum Jack | 4.88 | Merrigan Tim | 0.98 |
| Buehner Peter | 0.84 | Montes Joseph | 1.3 |
| Cibas Gedi | 2.25 | Montoya Ben | 2.21 |
| Clark Gary | 2.37 | Ortiz Meliton | 0.9 |
| Fries, David | 0.55 | Ortiz Dennis | 1.89 |
| Garcia Loyola | 0.854 | Pojoaque Pueblo | 4.39 |
| Gonzales Gilbert | 1.11 | Rogers James | 2.71 |
| Gutierrez Leonard | 1.8 | Romero Dolores | 0.832 |
| Gutting John | 1.593 | Romero Louie | 1 |
| Haagenstad Tod | 1.25 | Romero Pete | 1.89 |
| Kersteins Debora | 0.25 | Romero Virginia | 0.797 |
| Key Erlinda | 4.02 | Roybal Enterprises | 1.05 |
| La Mesita | 45.51 | Roybal Jose | 0.43 |
| Las Acequias | 42 | Salazar James | 0.66 |
| Leitner Tomas | 0.6 | Salazar Orlando | 0.66 |
| Lescouarnec, K | 0.6 | Salazar Robert | 1.33 |
| Lewis Bruce | 0.63 | Trujillo Leonard | 1.64 |
| Loomis Phil | 2.34 | Trujillo Merlin | 0.8 |
| Total Acres Represented | | | 152.181 |

Meeting agenda was approved. Minutes of August 25th meeting were read and approved. Tim Merrigan was introduced as the new Commission Treasurer.

Description of NRCS-designed improvement was briefly detailed at about 2,500 feet of pipeline from diversion to current head-gate. Three structures will be included in construction: a concrete headwall-collar at the inlet, and two de-sander/sluices. The first sluice will be located near the inlet and the second at the end of improvement where the present head-gate is. Pipeline will be of 15" 90psi PVC pipe. No match by Acequia is required and no costs are expected to be incurred for the improvement. Total costs cannot exceed \$125,000. Construction must be completed by September 30, 2011. Spring irrigation may be delayed or season interrupted while construction is underway. Acequia contract is 'bundled' with two other

associations that received stimulus funded projects, one in Taos County and one in Mora County. A short discussion ensued.

John Gutting moved “to allow the COMMISSIONERS OF THE ACEQUIA DEL CAÑO ASSOCIATION to sign as our shareholder representatives to enter and sign the agreement with the New Mexico Interstate Stream Commission (ISC) for construction of the improvement described by the National Resources Conservation Service (NRCS) as ‘Project: Acequia del Caño – Irrigation Pipeline (Phase I), Drawing No: NM-E-1375, Location: Santa Fe County, New Mexico, Authority: Co-01, Phase: Final design, Date: April, 2009’ with any changes mutually agreeable to NRCS, the contractor chosen by the ISC and the Acequia Commissioners. I further move, there shall be no cost for the described construction to the Acequia Association shareholders and vote will be conducted as prescribed by Association bylaws whereby “improvement(s) . . . shall be consented to by owners of two-thirds (2/3) of the irrigable lands under the ditch.” Rick Dumiak, representing Pojoaque Pueblo and La Mesita, seconded the motion. Vote was unanimous, owners of 152.181 acre rights under the ditch consented to the improvement (above). Owners of 34.452 acre rights were not in attendance. The Acequia has 185.633 acres under the ditch. 123.76 acre rights represent 2/3 of the acreage. The motion passed and work for improvement construction will proceed. First of all – private, pueblo and county easements must be obtained by the Acequia Commissioners.

Following the vote, association accomplishments completed in last year were discussed with a slide show presentation by the secretary. Possible need for insurance on the NRCS project was discussed and clarity from ISC is being sought. Treasurer handed out a summary of billings and expenditures incurred during the last year. The Acequia del Caño spent \$61,822 last year and billed shareholders for \$41,051, a \$20,770 shortfall. Shortfall has been generously financed by Las Acequias Farm.

Acequia bylaws state in Article III. Sec.1. “. . .the commissioners shall meet and determine the assessment per acre for cleaning, to be not less than the actual cost. The maintenance of the ditch shall have been directed and recorded by the mayordomo during the preceding year; with payments made as required by the treasurer, and the cost for the preceding year shall be reported to the commission. The commission shall determine the maintenance costs per acre. The treasurer shall then bill the shareholders for cleaning and maintenance.”

The President announced he will not run for re-election in 2011. Meeting adjourned at 8:35 pm.

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|----------------------|-----------------------|-------------------------|-------------------------|
| Jack Blum, Mayordomo | Jim Rogers, President | Meade Martin, Secretary | Tim Merrigan, Treasurer |
| 455-7769 | 455-7012 | 455-2562 | 455-3544 |

Respectfully submitted by Meade Martin Secretary, from minutes drafted by Jim Rogers