

MINUTES

Tularosa Community Ditch Corporation

PO Box 925, Tularosa, NM 88352

March 27, 2017 7 PM Tularosa Municipal Building, 609 St. Frances Dr.

- A. Call to Order-7:02 PM.
- B. Pledge
- C. Public Comments

1. Joan Price reported that she went to the water meeting at the State Engineer's office when the lawyers were giving dispositions. She said that the lawyer for our ditch, A.J. Olsen was no longer our lawyer. A.J. Olsen was there, in fact, by phone conference and told her that she was not part of the meeting and should not be there. Commissioner Lerner let her know that her being at that closed meeting meant she was costing the Ditch more money by delaying the proceedings. She questioned whether enough people were protesting the actions of Smith and questioned whether the Village is not involved. Mr. Bookout told her that the Village of Tularosa, the Ditch and Mr. Fred Tyler were all named as defendants in the case. Craig Cathay from the State Engineer's office and the district representative, has been sharing the aerial maps of the Rio Tularosa going back to 1906 with Joan Price and she was been bringing them to the Ditch office and they are now on display on the walls for the visitors to admire.

2. Kathy Tyler, also a defendant in this case, reported that nothing was settled with that meeting which concerned both Dávalos and Smith cases. They had gone to the wrong office, as it was in the hearing rooms for the State Engineer. Nothing was settled at that phone conference meeting though ownership of water rights by Smith was clearly defined as not existent. Chairman Bookout said the transference of water into ponds is definitely unlawful and the fact that it is being piped under the highway should be red flag to the Highway Department. He informed the group that Smith has installed a pipeline a third of a mile up the road and the silt is destroying the filters of the Village of Tularosa municipal water intakes. Mrs. Tyler believes the Office of the State Engineer has not done enough to investigate and monitor the problems Smith is causing. Ms Price asked about the location of the ponds and the commissioners told her where to park her car and look over the embankment to see the two ponds Smith has dug there at the overpass in Bent. Mr. Bookout stated that Smith does not have the right to take water, has no water rights and irrigate where he is taking the water. Mrs. Tyler agreed. He restated that the decree is the law. Ms Price asked why the Village of Tularosa was not involved. Commissioner Lerner told her that Mrs. Tyler represents her deceased husband Fred in the suit and is continuing to pursue it in their name and that the Village is certainly involved and represented by Jefferson Rhodes.

3. The Commissioners told the group that the next meeting with the State Engineer will be July of this year and our lawyer, A.J. Olsen will be there. Chairman Bookout said we need to speak directly with Mr. Olsen. Mr. Hobson said the State Engineer's office does not want to recognize the decree and does not consider out ditch an acequia as we have shareholders. He also believes the State Engineer is attempting to take ownership and administration of our waters. Ms Price wants letters to be written in

protest and an article in the paper. Mr. Hobson explained that the District Court is our protection and if the State Engineer tries to change the law, we have to defend ourselves against them in court. He believes that this is an illegal use of state funds; to attack water systems using public money. Ms Price asked to clarify the watering schedule of Bent with Mayordomo Baca. He told her that it is on alternating weeks with their final day being Thursday after 8 hours.

4. Chris Jones came to the meeting to speak about the group, Tulie Trails who would like to create a walking tour of Tularosa to include the historic information and be able to put up mile markers around the 49 Blocks to help the walkers. It has already been successful and many people come out to join in the group. He explained that this walking group is a partnership with the Health Department, the Tularosa Arts and History Council Keep Tularosa Beautiful that the County Commissioner Susan Flores represents. He also told the meeting that the two or three parks in town will have exercise stations and the grant that Flores got will pay for them. Commissioner Hobson said there are many beautiful historic places in the 49 Blocks to be viewed.

5. Jim Brown stood up to say that the problem is a lack of communication. He wondered how the Ditch got any information out and asked if notes with even been taken at the meeting. He said he never knew what date the water was to begin in the spring. Mr. Baca told him that it always starts the last week of March. Mr. Brown wants an email system to be sent out to all the parciantes. Commissioner Lerner said she was not free enough from all the other paperwork of the ditch to do that but he could take over that job. Mr. Brown said he does not use email. Bookkeeper Shelly Thomas suggested that we do a webpage. We could also link with the website, *Remembering Tularosa*. Commissioner Lerner made a motion to add our information to their website. Mr. Bookout seconded the motion and it carried.

D. Approval of September 2016 Quarterly Meeting

Commissioner Lerner made the motion to accept the minutes as presented

Chairman Bookout seconded the motion

Motion carried

E. Financial Report

Mrs. Thomas said she cannot compare if we are behind last year as she still does not have the financials from last September. Commissioner Lerner told her that she would get it from Mrs. Roberts. She told us that we have the payments to the lawyer, the rent, and the Mayordomos each month. Mrs. Tyler said it was hard to find the door to the office. Commissioner Lerner told her that it was in the back for safety reasons and that signs were being put up with the office hours. Commissioner Hobson informed the public that we are paying \$200 a month for the rent. Commissioner Hobson made a motion to accept the financial statement as presented.

Chairman Bookout seconded

Motion carried

F. New Business

1. And 2. Ditch hours-covered in the financial part of the meeting

3. Sofa Donation by Jim Brown-Chairman Bookout thanked Jim Brown for the donation and it looks great in the new office.

4. Mayordomo Baca informed the group that the pipeline idea through the yard of the house on 5th and Higuera to help get water to the Redlingers house would have to wait because the house now may be

deemed inhabitable and evacuated. The easement will have to wait.

G. New Business

1. Jim Brown will not be sending our emails to the parciantes and it was covered in the public comments.
2. Steve Lightle was not present but Chris Jones gave the report on the Tulie Trails. Included in public comments.
3. Commissioner Lerner suggested that we use the Ditch office for our quarterly meetings. The Board approved. The June meeting will take place there.
4. The historic maps were discussed in the public comments section but Ms Price said we will need to buy our own as those are hers.
5. Commissioner Hobson said no money was approved for water projects but there will probably be a special session though he doubts there will be any changes for water. That is when the budget will have to be signed. Chairman Bookout mentioned that the El Paso area is pumping as fast as they can. Their water comes from the Hueco Aquifer. The brackish water has been pumped with the largest desalinization plant in the US. Commissioner Lerner asked what they are doing with the salt. Commissioner Hobson did not know but that will be the big question for the desalinization plant they have for Alamogordo.
6. Michelle Thomas will be out of the office the week of May 8th through the 23rd.

H. Other Business

No other business was introduced

I. Adjourn

Commissioner Lerner made the motion to adjourn

Chairman Bookout seconded the motion

Motion passed at 8:20 PM.