

Tularosa Community Ditch Corporation
PO Box 925, Tularosa, NM 88352-0925
Office: 512 St. Frances Street Hours 3:30-5:30 Thursdays
Annual Meeting of the Shareholders
Municipal Building 609 St. Frances Street, Tularosa, NM 88352
December 3, 2018 7 PM Minutes

- A. Quorum was completed with 81.5 % of the shareholders represented with proxies included. Meeting began at 7:18 pm.
- B. Pledge
- C. Public Comments-No comments were offered.
- D. Approval of Minutes from Annual Shareholders' Meeting December 4, 2017.
Jim Davis made the motion to accept the minutes as presented.
Ronald Bookout seconded the motion.
Motion carried.
- E. Approval of Minutes from the September 24, 2018 Commissioners' Quarterly meeting.
Maurice Hobson made a motion to accept the minutes as presented.
Butch Davis seconded the motion.
Motion carried.
- F. Financial Report ending November 30, 2018 and Questions.
Dan Abercrombie questioned where the money comes from when we are showing a deficit.
Commissioner Hobson told him that we are obliged to take money out of our mutual fund investments to cover our needs.
Dan Abercrombie made the motion to accept the financial statement as presented.
Ronald Bookout seconded the motion.
Motion carried.
Commissioner Lerner asked that the public come forward to affirm this motion by signing our resolution. Members signing the resolution are: Ronald Bookout, Katherine Tyler, Ray Sanchez, Brenda Abercrombie, Jim Davis and Susan Kaplan. (Resolution Included with these minutes).
- G. Presentation of 2019 Budget Proposal and Discussion
Commissioner/Treasurer Hobson explained that in order for us to break even is for those who are delinquent in their payments is for them to pay and be current. Dan Abercrombie asked what the outstanding delinquency adds up to currently. Mayor Robert Baca and the commissioners said the outstanding amount is down from \$10,000 to about \$6,000.
Mayor Margie Trujillo asked if we have hired a lobbyist. Commissioner Hobson said that we do not have any lobbyist for the Acequia. He also stated that in previous years the legislature managed the water trust board money of about \$1,500,000 but it was appropriated to other accounts and may not be replenished until this year for water projects. Commissioner Hobson said there will be about \$15,000,000 available for different

state projects but that the new governor will probably use it for education and teachers. Those gas and oil revenues will continue to increase because of the oil and gas revenues. Joan Prices asked if it would help to add the Acequia to the Historic Preservation list for Tularosa. Commissioner Lerner told her that she is working with the Historic Architect Phillip Esser on both the Acequia and the Red Brick School and there has been no decision as to either being promoted for that as yet. More information is needed in order to determine whether that would prevent the Acequia from doing standard repairs. Dan Abercrombie said he thought that they would do that if the ditch was designated as historic therefore no repairs could be made. Ms Price asked whether a letter writing campaign would help as it is the largest ditch in the state. Commissioner Lerner said she will continue to work with Mr. Esser and Mr. Moffat of the State Historic Preservation Office, (SHPO) in Santa Fe to get a clearer picture. She also mentioned that in speaking with architects who have worked with buildings on the list of historic buildings, they explained that changes have to be made in order to comply with the American Disabilities Act and things like fire suppression. Mr. Abercrombie said he worked with SHPO projects for 30 years and we could not tell him anything. Mayor Trujillo asked which head gates need repair. Mayordomo Baca said that they are primarily in the 49 Blocks. Mayor Trujillo asked about the repair and what it will cost. Mayordomo told her that the head gates needing repair are primarily in the 49 Blocks and in total cost is listed at \$90,000 for all of them. She also commented that it would be much better if the people who live on that block cooperated with the repairs and improvements.

Mayor Trujillo made the motion to accept the budget resolution as presented.

Dan Abercrombie seconded the motion passed.

Motion carried

Commissioner Lerner asked for the signatures of 6 shareholders for the resolution.

Signatures included: Village Trustee Janie Portillo, Joan Ellen Price, Dan Abercrombie, Robert Danke, Jim Davis, and Miguel Chavez.

H. Open Meetings Act for 2019

Commissioner Lerner explained that the Open Meetings Act is to be rededicated each year in order to guarantee an open forum of information and the compliance with the state and national requirements. She also let the public know that a copy of the rules will be posted at the Ditch office for anyone to read.

Mayor Trujillo made a motion to adopt the Open Meetings Act, 2019.

Miguel Chavez seconded the motion.

Motion carried

I. Mayordomo Report

1. Mr. Baca began by thanking those who have already begun to clean out their laterals.

The Mother Ditches will begin their clean out December 17th.

2. The repair on the ditch by the high school will be done this year as the erosion presents a great problem. We will need to contact the school superintendent to arrange for them to

move the fence they built within our easement and hopefully, get some economic help for the problem as it affects us both. Mayordomo Baca said he was getting estimates for the repair right now.

3. Close off access to the Diversion – At this point, the traffic into and out of our area is open. Chairman Bookout said that people cut the locks and pull down the gate with the chain and the fencing. Mr. Baca said they steal the fencing out of there whenever it gets replaced. This presents a problem for us and the Village. Mayor Trujillo said that she did not know about that and that traffic should not even be there. Mr. Baca told her that sand trap is up still but wonders about thieves and vandals. Bill Dick Guililand said it was very easy for the people to just walk up the ditch and play in the water. Mr. Bookout told him that Robert has run people off many times but has the right to call the sheriff.

Question-What happens to all the excess water when it goes out to the flat lands? Chairman Bookout said that it is not that much. Commissioner Hobson said we are hoping to get all excess water used to avoid the interference of the office of the State Engineer. New Mexico has a large lawsuit with Texas. The suit includes Texas, New Mexico and Colorado and the water from the Rio Grande. New Mexico will have the greatest burden with the agreement made through the Interstate Water Agreement. Things keep changing as does who is taking the water. We have our own problems with the water which evaporates coming down the creek as well as those who steal it. Mr. Guililand said Debbie Lewis is taking water illegally right now by pumping into a tank. He also said that Stanfield is pumping and he gave the house to Debbie Lewis. Mr. Walker said that stealing water needs to be stopped. The Board decided to do random drop bys to monitor the problem.

Commissioner Hobson commented that the office of the State Engineer (SE) does not respect our 1906 and 1909 adjudication and decree. The SE has decreed all water under the jurisdiction of that office. Unfortunately, they have seen fit to allocate water from one community to another such as what happened with the farm water of the Ruidoso and the acequias from that area. Chairman Bookout told them that the SE wants to monitor all our water but we have refused to let them install any meters. The SE has taken it upon itself to engage many hours of legal wrangling against us with their lawyers in our Dávalos case. They are not spending any billable hours as those lawyers are on the SE parole. But for us, we end up spending unusual monies on our lawyers. Commissioner Hobson reported that the SE demanded that the farmers on the Mimbres install monitors at their expense and were given one week to do or lose their water rights. The lawyers are making huge amounts of fees.

Bill Dick Gilliland asked the water boss if the water was going to be turned off in order to clean the ditch and somehow alert the SE that our water is not in use. Mayordomo Baca told him that it was not a problem because all the acequias are doing that right now in all the state. Commissioner Hobson told the public that Kenneth Owens is working on getting all the winter water that goes to the flats pumped to winter crops and will be using the run

out in the summer (if there is any). That usage all year long helps us with fully allocating our water.

J. Old Business

1. Annual Increase for 2020--Brenda Abercrombie asked if that year was incorrect and that it should be 2019. Commissioner Lerner answered that our current payments are for 2019 and that when we bill the next time in 2019 it will be for 2020 so we introduce the increase approval now with a full house in order to make it public for next November. Dan Abercrombie said that our increases are not on par with expenses. Commissioner Hobson said that we have to keep increasing the amount but still trying to be sensible. Past due accounts will continue to be pursued.

Bill Dick Gilliland told the board that the lateral on 8th Street is washed out. Mr. Baca said that it was on the work schedule for the year.

Dan Abercrombie made a motion to accept the 3.5% increase for 2020.

Bill Dick seconded the motion

Motion carried.

2. Commissioner Trainees- Commissioner Hobson introduced Robert Danke and explained that he has stepped up to help us with our technical needs and as he is from Tularosa, he also knows the water users. It is a great help for us as we need new people.

K. New Business

1. The annual meeting of New Mexico Acequia Association (NMAA). Robert Baca told them that the acequia systems in the north gave presentations which were very interesting. Our system is the only one in the state not tied to the Pecos River or the Rio Grande. We are very lucky because many of those systems have not had water for 5 years. The north of the state is very dry and suffering greatly. Our reservoir is good but as Chairman Bookout remarked, "rain or the lack of and heat are our two battles." Commissioner Hobson spoke with David Benavides, the attorney for NMAA about the evaporation problem and our loss of water for open ditches. Kenneth Owens is doing a great job cleaning out all the old laterals on the west side to the range where he is putting in pipes and pumps for a large scale sprinkler system. That will eliminate most of the problem of evaporation and beneficially use the water for crops winter and summer. Chairman Bookout said we cannot put the 49 Blocks in pipes because the trees will die. Jim Davis said that in the case of trees, they manage by holding or releasing water.

L. Other Business

1. Legislature and the Second Phase of Pipeline Replacement – Mr. Walker asked what was wrong with the pipes. Mayordomo Baca explained that the older pipes are smaller and full of roots. We are hoping to get money from the legislature this year to begin the second part of this project. Commissioner Lerner said we are looking to get the engineering money from Interstate Stream Commission and then request money from the legislature. Lerner thinks this year there may be money returned to the Water Trust Fund which if for all acequia repairs for the state. That way we can ask for the second phase which will be about

\$250,000. Unfortunately, that fund has been used for other projects and was empty.

2. Water Metering with the Village of Tularosa – Mayor Trujillo is in agreement with the putting in a meter to keep our accounts in order and comply with the 1909 Decree but she emphasized that it had to go before the Trustees. Commissioner Hobson said that it was crucial that we have accurate accounting for our water in order to be clear with the SE. Mayor Trujillo asked how we are sure that the water accounting is less than what is being reported now. Commissioner Lerner said that our shared water begins as the water enters the settling pond for the Village. There is evaporation at that point and has no metering at that point either. Then the water is pumped to the lab that cleans it and separates out the clean from the dirty for purposes of human consumption. Clean goes to the tank, the dirty get flushed back into the ditch. The Village has a meter set up to measure the clean water once it is ready to go into the pipes for Village use and therefore, does not account for the initial division of water for the Ditch accounting. The mayor said that this was something we need to know for both of us.

3. ICIP and Governmental Grants– Update and publication - Commissioner Lerner explained the process of being prepared for legislative monies. Entities such our acequia has the right to ask for help from the state government only when their projects have been registered and certified by the Department of Financial Administration and Local Government. There are several avenues such as legislature, Interstate Stream Commission and Regional Conservation Partnership Program. Those projects are posted and published and must be updated to cover 5 years of projected work. We are up to date, registered and ready to seek the funding for our second phase of Pipeline Replacement. Mayor Trujillo asked it that is the part that will cross the park owned by the Village that we all inspected together. Lerner said that was the final phase, or in other words, the third phase. We still need to continue through the easement/alleyway coming off South Bookout. She finalized the explanation saying that we have to have our engineering in line before that but we are the first ones in line for that funding from the Interstate Stream Commission and RCPP grant/loans.

M. Adjourn

Chairman Bookout made the motion the motion to adjourn the meeting.

Dan Abercrombie seconded the motion

Motion carried

Meeting adjourned at 8:29 pm.