

# Minutes of the Acequia del Caño Annual Meeting Dec. 8, 2009

President Robert Baran called the meeting to order at 7:20 p.m. at the Nambé headstart building.

Present were:

Eduardo Archuleta, Robert Baran, Jack Blum, Deborah Day and Peter Buehner, Gediminas Cibas, Leonard Montoya representing Gary Clark, John Gutting, Nick Herrera, Lanny Berger, Phil Loomis, Victoria De Vargas, Ernesto Luján, Meade and Robin Martin, Elmo Martínez, Virginia Martínez, Tim Merrigan, Maureen Merritt, Frank DeMolli representing Pojoaque Pueblo, Joseph Montes, Ben Montoya, Paul Montoya, Dennis Ortiz, Melitón Ortiz, Jim Rogers, Dolores Romero, Pete Romero, José Luis Roybal, Robert Salazar, Merlin Trujillo

Representing a total of 104 votes in person and by proxy.  
A record of the Proxies are on file with the secretary.

Robert Baran called the meeting to order and he and Dennis Ortiz showed a video of the ditch diversion, saying that tractor work there was causing the ditch to fill with sand. Baran said he was not running for president again, as he had been ineffective in fixing the problem. Pete Romero said the other ditches were also being affected by improper work at the diversion.

Baran showed photos of erosion at the sand trap. He also showed photos of recent paving at County Road 84 G, which he said creates a runoff problem at the headgate of the Acequia del Caño.

Meade Martin said it was his laborers who had improperly graded the ditch intake, took responsibility for not supervising them more.

Secretary Meade Martin asked for approval of the minutes of the November, 2008 meeting. John Gutting moved for approval. Maureen Merritt seconded the motion and it was unanimously approved.

Treasurer Joe Montes reported that the acequia has \$3,905.58 in cash on hand, and accounts receivable of \$2, 470.16. He said payments of about \$1,500 had been received from 10 parciantes at the meeting. Jim Rogers moved to accept the treasurer's report. Victoria De Vargas seconded the motion. It was unanimously approved.

Baran said he was not running for president. He had served for six years. He said that the job took 150-200 hours per year.

Martin reported on attorney Peter Shoenfeld's bill for protesting the acequia's priority date; the fees of approximately \$6,500 have been paid in full. He said that archivist Richard Salazar found that the current priority date of 1859 was improperly taken from an old document, and that the priority date could be 1739.

Pete Romero questioned why the priority date was important, as water from the Nambé dam is distributed according to irrigable acreage. He asked why money should be spent on legal fees to set a priority date.

David Ortiz agreed that water impounded in the dam is distributed according to acreage. He said that the natural flow in the river should be distributed based on priorities, however separating the two kinds of water is difficult.

John Gutting said the state engineer is setting priority dates for all acequias in the area. He emphasized the importance of early dates, as water near Elephant Butte Dam may be given earlier priorities than the current 19<sup>th</sup> century ones. He said the State Engineer will use priorities of ditches statewide to divide the water.

Martin reported on the Acequia del Caño's protest of transfer of water rights to an acequia in Chupadero. Petitioners for this transfer are Soren and Erica Peters. Merritt clarified that the acequia will be protesting, and will represent all parciantes. However, individuals can also pay \$25 to protest individually and speak at the hearing on Dec. 17. A discussion followed about inactive water rights. Romero reminded the parciantes about the importance of pushing landowners on the laterals to be active irrigators.

Martin reported on proposed ditch improvements. He said that Phase 1 has been designed and will cost approximately \$75,000. This will include piping the acequia from the diversion to the headgate, with

sediment control structures. He said Interstate Stream Commission 80/20 funds might be available for this. The acequia would have to find grants or other funding for their 20 percent. Phase 2 would pipe the ditch from the existing headgate to the sandtrap sluice across Gilly/Darren Ortiz' property.

A discussion ensued about moving the point of diversion to that of the Acequia de Los Garduños. Romero said this should be pursued. De Vargas said FEMA money may be available for ditches that have been flooded, and that she could investigate this. Merritt reiterated the importance of contacting Rep. Ben Luján for funds. Romero suggested forming committees to work on piping and diversion projects.

Ortiz reported on the role of the Pojoaque Valley irrigation district. He said it must make sure everybody gets an equal share from the dam, and also distributes the natural flow.

He outlined two problems with the Caño diversion. The first is maintenance and he said the district has met with commission to address these issues. The second is the diversion itself. He believes a consolidation with the Acequia de Los Garduños is the most viable and will have the least cost. He said funding agencies look at regional solutions. He emphasized that the acequias should have equitable distribution schedules, which need to be documented.

Ortiz updated the parcientes on the Aamodt case. He said two settlement bills are in Congress, one in the Senate, and one in the House.

Jim Rogers volunteered to head the diversion and Phase 1 committee. Gutting said an improved diversion should come before piping. Montes suggested having five persons on the committee, to identify funding. Members will include Rogers, Romero, Martin and as an ex-officio member, Ortiz.

Next, the officers were elected.

Lanny Berger nominated Jim Rogers. She said he had been treasurer in the past, and was instrumental in the State Road 503 improvements. Deborah Day seconded the motion. Robert Salazar moved to close the nominations and John Gutting seconded the motion. Rogers was elected by acclamation.

Joe Montes said he had enjoyed his six years as treasurer, that he would stand for re-election. Robin Martin nominated him for treasurer.

Victoria De Vargas seconded the motion. Rogers moved to elect him by acclamation and Eduardo Archuleta seconded the motion. He was elected by acclamation.

Montes nominated Meade Martin for secretary. Jim Rogers seconded the motion. Virginia Martinez nominated Maureen Merritt for secretary. Paul Montoya seconded the motion. A vote was called. 77 votes were cast for Martin, 29 for Merritt. Martin was elected.

Jim Rogers nominated Jack Blum for mayordomo. John Gutting seconded the motion. Berger moved to elect him by acclamation. The motion was seconded by Tim Merrigan. Blum was elected by acclamation.

Montes proposed that the commission be directed to place a lien on the property of parciantes who owe in excess of \$100 in ditch dues, and who are more than two years delinquent. He said two people fall in that category at this time. Berger made a motion to that effect. It was seconded by Paul Montoya. Frank Demolli amended the motion to say that the lien would be placed only after notice has been sent to the delinquent parciante. Those present voted unanimously to pass the motion.

The meeting adjourned at 9:15 p.m.

Respectfully submitted by Meade Martin from notes taken and typed by Robin Martin.