



Pojoaque Valley Irrigation District
9 Cities of Gold Road
Santa Fe, New Mexico 87506
(505) 455-2693
Email: pvidistrict1@hotmail.com
"Water is Life"



Pojoaque Valley Irrigation District (PVID)

July 27, 2021 Special Meeting

6:00PM to 8:00PM

Via Zoom

Minutes

1. **Call To Order:** The meeting was called to order by Chairman Dave Neal at 6:09 PM via Zoom
2. **Recognition of Quorum:** Present at the meeting were Dave Neal, Meade Martin and Rob Heineman, directors constituting a quorum, and the following individuals who signed in via chat: Stephen & Josefine Gomez - Acequia del Llano, Irene Webb - Del Llano Secretary, Chris Sheehan - Otra Banda Chair, Michael Novak & Adele O'Neill - La Nueva Acequia, Denise Hearst - Del Cano, Alex and Martha Trujillo - Acequia de el Rincon, David Ortiz - Acequia Nueva
3. **Approval of the Agenda:** Rob requested that item 8.b. - Possible action to retain counsel be moved up to item 5.b. **MOTION TO APPROVE** – Meade, **SECOND** – Dave. **MOTION CARRIED.**
4. **Disposition of Previous Minutes:**
 - a. February 2, 2021 Quarterly Meeting: **MOTION TO APPROVE** – Meade, **SECOND** – Dave. **MOTION CARRIED.**
 - b. July 6, 2021 Quarterly Meeting: **MOTION TO APPROVE** – Meade, **SECOND** – Dave. **MOTION CARRIED.**
 - c.
5. **Financial Report:**
 - a. Approval of 2020-2021 Budget Adjustment Resolution: **MOTION TO APPROVE** – Meade, **SECOND** – Dave. **COMMENT:** Question as to reason for over expenditures last year. Rob stated that the bulk of the overage was attributable to legal fees incurred due to negotiations with the BOR over a new Memorandum of Understanding (MOU) between BOR, PVID and the Pueblos. The PVID Board could not agree to sign the document with a specific clause granting the Pueblos' aboriginal right to up to 10 CFS of bypass flow continually, as that water right was not addressed in the Aamodt Settlement. The Board has continually pressed the Office of the State Engineer to rule on the legitimacy and



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administration of such a right, which is their responsibility as the Watermaster for the NPT Basin. To date, the discussion continues with all parties. Chris Sheehan – Could we provide the 2020 budget/actual comparison? Rob – It will be provided in the meeting minutes. David Ortiz – How does the Board intend to deal with the deficit caused by the legal issues? Dave – the previous years' deficit will be funded entirely from savings. **MOTION CARRIED.**

- b. Discussion and Possible Action on a budget adjustment for Counsel to evaluate the regulatory and judicial issues relating to Rio Nambe water sharing in the amount of \$65,000: **MOTION TO APPROVE** – Meade, **SECOND** – Dave.

COMMENT: Chris Sheehan: I understand the \$65K is an estimate? What if we need more money? Dave: If we need more legal money, we will come back to the membership. What was the result of the OSE meeting with PVID? Dave – the discussion is still an open subject. David Ortiz – Is the OSE aware of this issue. Dave – Yes. The OSE is critical in determining the management of the water in the NPT. Meade – It is important to note that the OSE is the Watermaster according to statute and has jurisdiction over this issue. Dave Ortiz – What was the assessment for last year? Rob presented assessments for the previous 5 years. David Ortiz – What is the status of the accounts receivable. Rob – There are 3 types of outstanding receivables – Current, past due over a year, and past due over many years. I'm not sure of the mechanics to collect the extremely old receivables, and if we still retain lien rights. We have had success last year in collecting a large portion of outstanding receivables. I hope to review and categorize outstanding receivables in the near future after we get through the budget process. Dave – this was a tough decision for us and we understand the burden it places on the members. Hopefully we will resolve this issue this year. Steven Gomez -How long do you anticipate this legal issue to continue? Dave – we will continue until the OSE adheres to state statute and acts as the watermaster. John Gutting – could a PDF of the proposed budget be made available? Rob – yes. Martha Trujillo – The increased assessment may create a problem with people who do pay their assessments. Hopefully they will pay the larger amount. Dave – the timing of the legal fees and assessment billings preclude any form of credit this year. **MOTION CARRIED.**

- c. Proposed 2021-2022 Budget – Rob presented the budget for next year and went through the budgeted expenses by line item. The two line items that are really impacting the budget this year are the BOR Maintenance bill which increased



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due to a smaller than normal carryover from the previous year, and the anticipated legal expenses to resolve the MOU. **MOTION TO APPROVE – Meade, SECOND – Dave. MOTION CARRIED.**

6. Dam Tender Report:

- a. Tom Dominguez: Tom was absent. Rob reported that we have a generator problem that did not start during a maintenance test. There is some steel support in the gallery that needs to be sanded and painted. The flow meters are not working properly and need to be adjusted. A special trip was made to check the dam after the recent earthquake in the Jemez. Dave advised that a survey will have to be conducted of the control points on the dam this year, which is included in the budget.

7. Dam Release Report:

- a. Rob: We are gaining storage due to recent rains. We are hoping for a full release no sooner than August 10th. The BOR will advise available storage just prior to the release.

8. Old Business:

- a. Ongoing negotiations regarding the Amendment No. 2 to the BoR contract and a MOA with the BoR and the pueblos: Dave – The contract needs to be amended to reflect the storage allocation provided for in Aamodt. The BOR has also added several clauses to the contract which are required to be in compliance with current federal regulations, and we are reviewing those clauses.

9. New Business:

- a. None

10. Public Comment:

- a. Chris Sheehan – You guys are doing a great job under the circumstances.
- b. Steven Gomez – We appreciate the time and effort you are putting in
- c. Martha and Alex – We second that
- d. Rob advised that the new office hours are Tuesday, Wednesday and Thursday between the hours of 9AM and 2PM. A new office hours sign will be posted on the door.
- e. Is there a place where the release dates can be posted on the web? Dave – we will check with PVRAA and see if we can post it there.

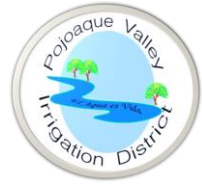
11. Adjournment:

- a. **7:22PM - MOTION TO APPROVE – Rob, SECOND – Dave.**

12. Approval: these minutes were approved by a motion of the Board of Directors at a meeting held on October 28, 2021.



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Respectfully submitted,
Rob Heineman
District 2 Board Member
PVID Secretary/Treasurer