

VALENCIA COUNTY BOARD OF COMMISSIONERS

EMERGENCY MEETING

JULY 20, 2000

M I N U T E S

CHAIRWOMAN ALICIA AGUILAR CALLED THE MEETING TO ORDER ON JULY 20, 2000 at 6:00 P.M.

PRESENT	ABSENT
Alicia Aguilar, Chairman	
Aurelio H. Padilla, Vice-Chairman	
S. T. Frank Pando, Member	
Eloy Giron, Member	
Helen Baca, Member	
James Fernandez, County Manager	
	Thomas Garde, County Attorney
Kandy Cordova, County Clerk	
Press and Public	

PLEDGE OF ALLEGIANCE
Richard Jaramillo led the pledge of Allegiance.

APPROVAL OF AGENDA
Valencia County Clerk Kandy Cordova read the Agenda for the Emergency Meeting as presented. A motion to approve the Agenda was made by Commissioner Pando and was seconded by Commissioner Giron. Motion carried.

ACTION ITEMS
a) Receiving of Petitions/Letter of Support to MRGCD to provide water to Farmers.
Chairman Aguilar expressed gratitude to all in attendance and to the many who have signed petitions in support of the efforts of farmers and residents. She expressed thanks to the Tome Historical Association who called an emergency meeting on Sunday to make the community aware of the crisis facing them as far as water being taken from the farmers to accommodate the minnows. She stated that the proposal being made takes the water from the Conservancy District and not from Federal banks or other waters that may be available. She stated that she does appreciate the Association getting involved and inviting her to that meeting. She stated that as a result of that meeting she had called this Emergency Meeting because this Commission feels that it is such a severe problem and extremely important to the residents that they have to get involved to find a solution. She stated that she grew up in Las Nutrias on a farm and those brothers still own that farm as well as her and her husband. She stated that she had told Ray Garcia after the meeting on Sunday she had thought of her deceased father, Cayetano Romero, who always told the family that the water was the life of the community and that he had said too many times people think that all the food comes from Safeway, that it's always going to come, the milk, the meat, they just go to Safeway and buy it. She said he said that we're going into a society that doesn't know where their lifeblood, their existence, their sustainability really comes from. She stated that that is what this is all about and if they take the water away from us we might just as well forget about this petition and ask our Congressmen in Washington where we sign up to be the endangered species. She then called on Mr. Ray Garcia and introduces Mr. Leo Mendoza who has been extremely involved with the farmers, bringing information to the property owners in Las Nutrias, Veguita and Belen and thanks him for being in attendance.

Mr. Ray Garcia, President of the Tome Historical Association addressed the Commission. He stated that Mr. Mendoza farms his great, great, grandfather's land in Las Nutrias. He stated that his grandfather actually started there and then moved to Casa Colorada. He stated that the first thing he wanted to do was share information that he had on the status of the action being proposed and outline a strategy for the petitioners. He said he had received a call from Subhas Shah, CEO of the MRGCD, who was in a meeting with Gary Perry who is a representative from Socorro County and he told him that Judge Parker forced the Conservancy, the City, the State, the environmentalists and the Feds into mediation night before last and last night. He stated that Mr. Shah wouldn't tell him what happened in this mediation session but all he could tell him was that the District kept its position and didn't give up anything and he is appreciative of that. Mr. Garcia stated that at that meeting were Gary Perry, Hector Gonzales, Lawrence Transcosa and Chuck Dumares, the attorney, plus some staff of the Conservancy, so they had to go through this thing. He stated that he didn't know the outcome but he was told that they hadn't given up anything at this meeting. He

stated that one of the major outcomes is that the hearing before Judge Parker set for Monday has been cancelled. He stated that there probably would be a Court hearing in a couple of weeks. He stated that he didn't know if this is good news or bad news but it is still in the Courts and we have to let everybody know. Commissioner Giron interjects an inquiry of Mr. Garcia to outline the sequence of how things have been transpiring. Commissioner Giron stated that he had met with Mr. Trancosa last week also but for the purpose of enlightening everyone, he requested that Mr. Baca give a brief review. Mr. Garcia thanked Commissioner Giron and said he would be happy to do so and mentioned there were other people in the meeting who could provide information.

Mr. Garcia stated that last November a lawsuit had been filed by the Land and Water Fund which is a group of environmentalists that include The Protectors of Wildlife, the National Audubon Society, New Mexico Audubon Council, the Sierra Club and the Southwest Environmental Center. He stated that they sued the Bureau of Reclamation saying "you own all the District's works", including the acequias, the diversion dams, everything, that everything belongs to the District is their claim because we owe the District or did owe the District some money for some work they did back in the 30's and 40's. He stated that this work has been paid for and the only thing that hasn't transpired is the contract hasn't said that the District belongs back to the people now so based on this transaction, this contract that we have with the BOR, they forced action to basically take our water. He stated that they forced action based on the Endangered Species Act so the BOR is basically claiming that they own all the facilities of the Conservancy. He stated that petitioners have a problem with this claim because he knows the Conservancy District didn't own the Acequia Madre of Tome and that it has been there for 400 years.

He stated that as far as they know the debt was paid and it's going to take an Act of Congress to get title to that but as far as he is concerned, the debt has been paid. He stated that his belief is that these people are attacking who they think are the weakest people who are the farmers, basically going after senior water rights. He stated that in his opinion and in talking with a lot of people, the action has nothing to do with the minnows. He stated that they are painting them as farmers against fish and that is not what is really going on. He stated that this is about taking water from the farmers. He stated that the river has dried up hundreds of times, even before the Conservancy was here. He stated that as far as he is concerned that the minnow claim is dubious and that in fact if they need more water they have water in Herron Lake. He stated further that the Feds have 300,000 acre feet in Herron Lake that they can use but they are going after us. He stated that in his personal opinion they think we're a bunch of hillbillies and dumb Mexicanos and this isn't the case anymore. He stated that we are well educated, we're very, very vocal, and we're not going to let this stuff happen. He stated that that in a nutshell is what has happened, the Federal Government, the Interior Department specifically; the people who gave us the Cerro Grande Fire are reaching across the United States of America trying to squish us. He stated that last week the people in Tome found out about this and begin the effort across the whole valley. He thanked the Commission and Chairman Aguilar for pulling everyone together. He stated that he really appreciates the effort from Commissioners Pando, Giron, Baca and Padilla. He requests from the assembly a round of applause, which is heartily given. He reiterated the fact that the Court hearing set for the 24th has been cancelled and the message that needs to be circulated is that farmers are being ripped off. He stated that they are taking advantage of the wrong people. He stated further that these are senior water rights. Mr. Garcia then encouraged all in attendance to continue their participation in community meetings and understand that this water is for this valley, for our purposes and needs. He stated that we've seen it with the Bridge and reiterated the importance of attending meetings and telling them what you want. He mentioned meetings on the Bridge issue and meetings scheduled for public hearings the 26th and 27th. He stated that they have been putting together a meeting at the Valencia Campus on October 11th at 6:30, which is a candidates' forum and encouraged all to attend.

Commissioner Giron inquired if Mr. Garcia knew any specific date we were to run out of water. Mr. Garcia replied that even if we didn't have to deal with the minnow, it is probable there will be serious shortages in September. There is some discussion among the petitioners on the dates anticipated that shortages may result. One of the petitioners mentions possible problems with cranes and geese. One of the petitioners states that he had invited the Albuquerque Journal to visit his farm and feels that they are not telling the farmers' side of the story. Mr. Garcia stated that he does not like the media portraying the farmers against the fish and the counter strategy is critical. He states further that it is a very big cultural issue although he emphasizes that it is not limited to Hispanics only.

Chairman Aguilar states her opinion on the issue beginning with the history of a lawsuit on the Pecos River for water to go to Texas and now it is happening to us in the Rio Grande Basin and another lawsuit that is coming. She states that Texas is already preparing for it and that Richard Jaramillo can attest to where it seems their understanding is you use it or lose it. She stated that when it goes into litigation we will have to prove how much water we really use and need and if we can't then it goes on to Texas. She states that if they can take the Conservancy water first then they become Federal waters. She stated that the other Government agencies protect themselves and that we are at the bottom of the totem pole. She stated that if we go back to the river, the river has existed since the 1800's and if you look at what is going on in the lower Middle Rio Grande Basin, many of you might not know that it

is already being adjudicated. She stated that the State Engineer's Office has already hired what is called Parsons Science and they are already going out and assessing and confirming pre-1907 declarations. She asks for confirmation of this data from Richard Jaramillo, MRGCD, Belen office, who agrees. She states further that once you see the adjudication of a basin that means the water goes to the State except those that have proven to have ownership. She stated further that then you have the declarations, the Pueblos, the municipalities, 1955-56 wells. She stated further that if they are doing it there what makes us think that we're not next in line.

Mr. Garcia introduced long-time Valencia County farmer, George Sichler.

Commissioner Giron stated that he had received some correspondence regarding The problem being addressed and inquired of Richard Jaramillo the magnitude of concentration the Bureau is giving to the resolution. Mr. Jaramillo stated that the Conservancy District has been involved with the negotiations for some time and currently as things have developed and this is why they were taken by surprise when they received the hand-delivered letter from the Bureau. Commissioner Pando stated that we have to be careful with the Federal Government. He said they need to understand that we are the Federal Government. He then referred to the Tome Bridge controversy wherein statements had been made that because of the Federal dollars contemplated being used, the local governments had little or nothing to contribute in input. He stated that we supply the Federal dollars. He stated that they seem to think that someone in Washington can tell the local governments what is needed or wanted because Federal dollars are being used. He stated that this is a ridiculous notion and he is in total agreement that we need to preserve our water for the local agriculture.

Mr. George Sichler then addressed the meeting and recalled a group organizing back in 1987 to activate awareness that in the future a possible water crisis would develop as it has now. He stated that they had tried to motivate the public then and did. Mr. Sichler gave a short history of his involvement with the agricultural community. He stated that he loved this country and had fought for it's protection, along with many others, but as these problems become a reality he questions whether they were fighting the wrong country. He stated that when people come in and try to take away our water it is pretty frustrating and it is time for everyone to stand up and fight for what we believe is right. He brought with him old historical documents consisting of deeds, legal documents from the 1800's. He stated that they had sued the Tribe of Isleta when the railroad came through here and attempted to take the Belen Ditch. He showed a document that is in three languages. He inquired of the Commissioners whether it is a possibility to retain Valencia County water rights in Valencia County and stated that currently some of those water rights are being sold to Bernalillo County. He continued to review the history of the water shortages throughout the years gone by and expressed his fears for the future. Discussion ensued among Commissioners and some of the petitioners regarding the history of ditches and water.

Chairman Aguilar stated that Mr. Sichler's suggestion regarding the retention of water rights in the County had brought to her attention that San Joaquin County in California has already done that and that she has already requested information on that. Mr. Sichler then referred to an article in the paper in the State of Washington regarding a water problem there.

Chairman Aguilar expressed the thanks of the Commission to Mr. Sichler for attending the meeting and sharing his knowledge.

Mr. Abran Abeyta, a farmer from Socorro County, inquires whether or not the farmers from Valencia and Socorro County can sign the petition and is assured by Chairman Aguilar that it is valid. He states further the importance and significance of the water. He requests clarification on who is at the other end of this dispute, which the farmers are fighting. Mr. Garcia replies to the inquiry and states names within the organizations, the Forest Guardians and other environmental groups who have filed the lawsuit. He states that the biggest push is coming from the Forest Guardians. Chairman Aguilar states that the Acts under which the actions are being brought are passed in Congress without notice to the people affected so a lot of it has to do with our Congressional representatives coming down and talking to the people. Mr. Garcia stated that it is necessary for us to let the Federal representatives know how these acts are affecting us. Chairman Aguilar stated that it is also necessary to let the local legislators know. She referred to a recent mandate for a five-year study that was only funded for the first year.

Commissioner Padilla inquires as to whether or not there is an organized effort currently in the different counties. Mr. Garcia replies that he is unaware of any organized efforts other than the fact his group talks to Corky Herkenoff in Socorro. He states that the best organization they have right now is the Assessment Payers' Association. Chairman Aguilar suggests that possibly the farmers could be registered as an endangered species. Discussion continued among petitioners regarding strategy. Commissioner Padilla states his support for the efforts by the farmers. Commissioner Pando states that he doesn't see anyone here to explain why this course of action is being taken and says he would like to confront whoever is responsible. The Chairman inquires as to whether or not representatives should be invited. She stated that Administration could invite the BOR to appear before the Commission. Commissioner Giron also inquires as to the appearance of

the BOR at a Commission meeting. Commissioner Pando requests that all parties should be invited. Mr. Garcia reiterates that the problem is not the minnow but about Valencia County and everybody in Valencia County that uses this water. Other petitioners voice their opinions in support of the farmers including Mr. Frank Olguin, Valencia County Extension Program Director and Agricultural Agent, Angelo Baca, President of the Valencia County Farm and Livestock Board, Eugenio Padilla, Jarales farmer and Diane Pope, Executive Director of the Los Lunas Chamber of Commerce. Further discussion continued on the importance of unity and diligence, contacting local and State legislators and the MRGCD Board Members. Chairman Aguilar then requested that Valencia County Clerk Kandy Cordova read Resolution No. 4I-2000 on which the Commissioners will vote.

Valencia County Clerk Kandy Cordova read Resolution No. 4I-2000. (See Exhibit A) Each Commissioner states support for the Resolution Commissioner Giron made the motion for approval, which was seconded by Commissioner Padilla. The motion carried unanimously. Chairman Aguilar directed Administration to send copies to all municipalities, State legislators, and Congressional representatives. Commissioner Giron requested that the media give the issue the deserved coverage so everyone would be informed.

NEXT MEETING

The next Regular Meeting of the Valencia County Board of County Commission will be held on July 24th, 2000, at 6:00 PM in the County Commission Room at the Valencia County Courthouse.

ADJOURNMENT

Commissioner Giron made a motion to adjourn the July 20, 2000, Emergency Meeting of the Valencia County Board of County Commissioners. Commissioner Padilla seconded the motion. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the July 20, s2000, Regular Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

ALICIA AGUILAR, CHAIRMAN

ss
AURELIO H. PADILLA, VICE-CHAIRMAN

ss
S. T. FRANK PANDO, MEMBER

ss
ELOY GIRON, MEMBER

ss
HELEN BACA, MEMBER

ATTEST: ss

KANDY CORDOVA, COUNTY CLERK

DATE August 7, 2000

For an official copy of these minutes or attachments see Commission Book 37 Page 577.