

**MINUTES
WORK SESSION
LUNA COUNTY BOARD OF COUNTY COMMISSIONERS
September 3, 2009**

BE IT REMEMBERED that the Luna County Board of County Commissioners met for the purpose of holding a work session at 9:00 a.m. on Thursday, September 3, 2009, in the County Commission Chambers of the Luna County Courthouse, Deming, New Mexico. The following members of the Board were present:

Commissioner Fred D. Williams, District 1
District 2 Currently Vacant
Chairman R. Javier Diaz, District 3

Also present were the following staff and elected officials: County Manager John Sutherland, Jr., Administrative Assistant Glory Johnson, Clerk Karen Smyer, and Special Projects Coordinator Rheganne Vaughn.

Chairman Diaz called the meeting to order at 9:00 a.m. The Pledge of Allegiance and the salute to the flag of the State of New Mexico were conducted.

DISCUSSION ITEMS:

A. ETHICS CODE: Commissioner Williams presented the revised copy of draft #2B to his proposed code of ethics for county commissioners. He said he has amended it to include a statement that commissioners are expected to support decisions of the body as a whole although they can and should try to change decisions they do not agree with using accepted procedures to effect change. He also added a statement that the board can ultimately use censure to indicate unacceptable actions by a commissioner. Commissioner Williams asked for feedback on the document. Discussion ensued between the Board and the audience as to potential triggers for censure, for instance allowing personal, political or business relationships to interfere with a commissioner's integrity. Also discussed were the differences between ethics violations and criminal offenses committed by a commissioner while in office. Chairman Diaz said they are looking at codes of conduct adopted by other counties as well.

B. WATER ISSUES: County Manager John Sutherland said he invited Tom Bates, Luna County Water Planning Consultant, at the behest of the Board that he may explain his role in negotiations for water rights related to the Gila River. He also invited Tink Jackson, District 3 Manager for the Office of the State Engineer, to discuss the county's forty-year water plan as relates to the Mimbres River aquifer. Mr. Bates advised the Board that the Gila River Water Settlement Act provides 14,000 acre feet of water out of the Gila for the southwest region and also provides \$128 million for a diversion project. \$66 million is available for those not doing a diversion project. \$6.6 million is available for conservation, water shed restoration,

drip irrigation and the like. His characterization of his role is that of "eyes and ears" of the county commission. He said he represents this Board on the Gila San Francisco Water Commission which has representation among several counties and municipalities. Mr. Bates explained that the Gila San Francisco Water Commission was initially an organization to contract with the Secretary of Interior to recommend projects to the Interstate Stream Commission. However, Governor Richardson directed reorganization and now stakeholders are the policy directing body for the CAP water. The stakeholders, with the help of a facilitator, decide what direction should be taken by the implementation committee. The implementation committee tries to implement policies of the stakeholders. There is also a technical committee which Mr. Bates also sits on which does the technical analysis of the different projects. They are now researching the supply and demand for agricultural water and the demand for mining water. He said he was the executive director for the southwest regional water plan which was completed in May of 2005 and they are now trying to update the plan. The stakeholders, implementation committee and the Gila San Francisco Water Commission will decide whether they can do a diversion project. Governor Richardson wishes to consider alternatives other than diversion and does not want dams on the Gila. Mr. Bates explained that he works with the Deming Soil and Water Conservation District, the City of Deming and the County of Luna. It remains to be decided whether they want to capture some of the river water and pipe it down into Luna County. He said the cost of water rights here is cheaper than the cost of piping it. We have to pay a little less than \$100 per acre foot to Arizona for the exchange of that water. Once the studies have been done and ecological, economic, and supply and demand forums have been held, he will bring the information back to the County Commissioners for direction before any decisions are made. He has included in his monthly activity report the proposed projects which includes damming some of the tributaries with the major one being Bear Canyon. The Gila Basin Irrigation Commission wants to pipe water around the Gila basin and use it for fire suppression and to move it to various areas and store some underground.

Mr. Bates said the only stakeholder who represents elected officials of the four county area is the Gila San Francisco Water Commission. Other stakeholders are the Nature Conservancy and residents of the four county area. The implementation committee and the technical committee plus one person were the stakeholders last time. The implementation committee has a lot of state representation such as Game and Fish, the Interstate Stream Commission, Department of Forestry, and the Office of the State Engineer. Mr. Bates explained that we must contract by 2014 with the Secretary of Interior but the money starts coming in 2012. Three years ago the legislature set aside \$800,000 for a facilitator and for completing various studies. The amount of water we can take is mandated by the "CUFA" which is a Consumptive Use Forbearance Agreement with the State of Arizona. We can take 14,000 acre feet of water per year. It looks like the legislature will make the decision as to how the water is used. The assessment of the supply will be done primarily by hydrologists. The projects that are being considered are all diversions from the Gila River. A lot of the water would be used for irrigated agriculture and some could be stored and used to protect the ecology of the river. The Mimbres aquifer has gone down about a foot every year. Mr. Bates said as we mine water the soil becomes compacted which makes it more difficult to recharge the aquifer. The objective has been to reduce the mining of ground water which will affect future generations if we do not do something about it. Working with the southwest

region to get the 14,000 acre feet of water a year will help recharge the aquifer. Approximately 86% of the water in Luna County is used for agriculture so the effort is being made to save water where there is the most available. A lot of the irrigated agricultural water usage has been converted from flood irrigation to drip irrigation which has resulted in a savings of up to 60%. The Secretary of Interior will determine whether or not we are putting the water to beneficial use. Tink Jackson remarked that when you go to underground drip, the water all goes to the roots of the crops and does not return to the aquifer. He said drip irrigation increases the farmers' profit margin because the amount of water he has to pump is reduced. He said the biggest advantage of drip over flood is you do not have evaporation. He said when you flood the fields, the water that goes beyond the roots gets back into the aquifer. According to Mr. Jackson, drip irrigation makes marginal farms more profitable. Commissioner Williams asked Mr. Jackson whether depletion of the Mimbres water aquifer qualifies as a need to divert Gila water. Mr. Jackson replied that the group who did the southwest regional water plan showed the Mimbres aquifer was running at a net deficit of 30,000 acre feet per year. Commissioner Williams stated that surface water levels have been decreasing over the past fifty years. He asked why it has not already been addressed as an issue. Mr. Jackson believed the focus has been on economic development and building the tax base rather than water conservation. Mr. Sutherland pointed out that the whole discussion about water rights misses the bigger problem which is the condition of the aquifer and the ground water levels.


The Commissioners, Mr. Jackson, Mr. Bates, members of the audience and County Manager Sutherland engaged in extensive discussion regarding the complex and multifaceted subject relating to water usage including water rights, conservation, water table levels, environmental and ecological issues. Bryan Stevenson, Office of the State Engineer, and M. H. Salmon with the Gila Conservation Coalition joined the discussion as well. Commissioner Williams and Chairman Diaz expressed their appreciation for the positive exchange of information among all participants. Commissioner Williams asked that Mr. Bates keep the Board informed of upcoming issues.

ADJOURN: The work session concluded at 11:20 a.m.


ATTEST:

LUNA COUNTY BOARD OF COUNTY
COMMISSIONERS


KAREN SMYER, LUNA COUNTY CLERK


FRED D. WILLIAMS, DISTRICT 1

APPROVED: 
10/8/2009

CURRENTLY VACANT 
DISTRICT 2


R. JAVIER DIAZ, DISTRICT 3, CHAIRMAN