



Village of Wagon Mound  
Special Meeting Agenda  
Tuesday, November 23, 2020 - 6:00PM  
Presiding Mayor Andres Martinez

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\* - Indicates an action item

During this meeting the Mayor and Council may convene into Executive Session  
as allowed by Section, 10-15-1, H 1-10. NMSA 1978

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- I. Call to Order and Pledge of Allegiance
- II. Roll Call: Mayor Andres Martinez, Mayor Pro-Tem Timothy Cruz, Councilor Adrian A. Clouthier, Councilor Paul A. Miera, and Councilor F. Luis Lopez.
- III. \*Approval of Agenda
- IV. Business Matters
  1. \* Discussion/Approval/Disapproval: Village participation in protest to State Engineer.
- V. Adjourn

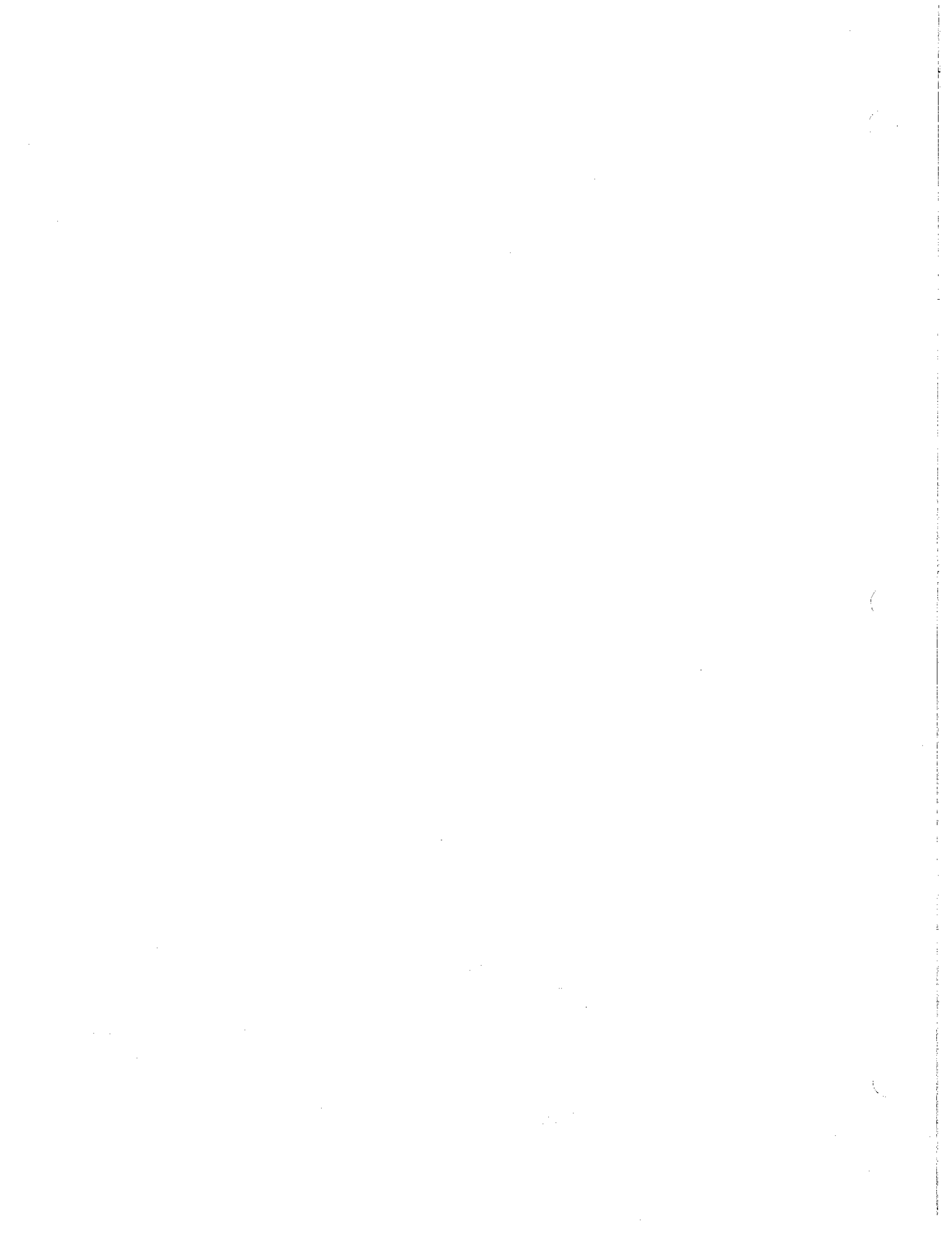
DUE TO COVID-19 ORDERS, VILLAGE HALL WILL BE CLOSED TO IN-PERSON PUBLIC ATTENDANCE. THE PUBLIC MAY PARTICIPATE IN THE MEETING VIA ZOOM EITHER BY PHONE OR BY COMPUTER FOLLOWING THE DIRECTIONS BELOW.

**MEETING ID: 842 1383 9353**

**PASSCODE: 176757**

**PLEASE CONNECT STARTING AT 5:45PM SO THE MEETING CAN BEGIN AT 6:00PM**

- TO CONNECT USING A CELL PHONE OR LANDLINE - DIAL 1-346-248-7799 - WHEN PROMPTED, ENTER THE MEETING ID AND PASSCODE
- TO CONNECT USING A COMPUTER OR TABLET - FOLLOW ONE OF TWO OPTIONS:
  - 1) CONTACT VILLAGE HALL (575-666-2408 or [deputyclerkwagonmound@gmail.com](mailto:deputyclerkwagonmound@gmail.com)) AND PROVIDE US WITH YOUR EMAIL ADDRESS. WE WILL SEND YOU AN EMAIL WITH A LINK TO ACCESS THE MEETING. ON NOV 23<sup>RD</sup>, CLICK ON THE LINK AND ENTER THE MEETING ID AND PASSCODE WHEN PROMPTED.
  - 2) ON NOV 23<sup>RD</sup>, GO TO [www.zoom.com](http://www.zoom.com), CLICK ON JOIN A MEETING, AND ENTER THE MEETING ID AND PASSCODE WHEN PROMPTED.





I. Call to Order and Pledge of Allegiance

- II. Roll call was taken by Clerk Treasurer Monica Martinez. Mayor Andres Martinez, Mayor Pro Tem Timothy Cruz, Councilor Adrian A. Clouthier, Councilor Paul A. Miera, and Councilor F. Luis Lopez were present.
- Mayor Martinez read a statement explaining that in order to maintain compliance with the Open Meetings Act and the current COVID-19 orders, the meeting has been closed to in-person citizen attendance. He stated citizens are participating remotely via a Zoom meeting. He stated members of the Governing Body will identify themselves when they speak, and all votes will be taken as roll call votes. The Mayor stated the Clerk Treasurer Monica Martinez is acting as the moderator for those attending remotely, and he asked Monica to please go over how the meeting will proceed.
    - Monica stated all participants will need to keep their microphones on mute until they are speaking. She stated she will ask each participant to state their names clearly once the meeting has moved on to the Business Matter item.

III. \*Approval of Agenda

- Mayor Martinez stated the date on the agenda needs to be amended to state “Monday, November 23<sup>rd</sup>” rather than “Tuesday, November 23<sup>rd</sup>.”

Motion to approve the agenda with the recommended amendments was made by Mayor Pro Tem Cruz, seconded by Councilor Lopez. Roll Call Vote: Councilor Lopez – yea; Councilor Clouthier – yea; Councilor Miera – yea; and Mayor Pro Tem Cruz – yea (Vote 4-0) Motion carried and all in favor.

IV. Business Matters

1. \* Discussion/Approval/Disapproval: Village participation in protest to State Engineer.
- Mayor Martinez invited members of the public to speak:
    - Mora County Citizen Brad Christmas: Mr. Christmas stated this protest was initiated to halt the massive proposed irrigation project just south of Wagon Mound. He stated he submitted a letter to be read before Council, and the letter states the facts concerning this matter. He stated he has heard people say that they haven’t noticed any impact, and he stated this is correct because the water pumping has not yet begun. Mr. Christmas stated if the irrigation is allowed, the allowable volume of water to be pumped in 1 year is similar to the Village’s water usage over 10 years. He stated hydrology reports have established that deeper water basins are not replenishing so once that water is gone, it is gone. He stated he considers Wagon Mound his home as his family moved here in 1948, and he is very concerned about the impacts on the community if the Spring dries up with no other water source for the Village. He stated he and his family, Tracy Seidman and her family, and the Ojo Feliz Ranch are very concerned about the impacts of this scale of irrigating. He stated these three entities filed a lawsuit, and their lawyers have been very open with sharing information with the Village’s attorney, which has saved the Village a large sum of money. Mr. Christmas stated it would be a tragic mistake to withdraw because the State Engineer has ruled that the water rights are invalid, and this decision is now being appealed in District Court. He stated his family, Tracy’s family, and the Ojo Feliz Ranch are trying to protect their families’ properties, but they are also trying to protect the Village and community. He stated this protest is critical because once the water is drawn, it is not replenishing. He stated, at this point, there is no real expense to the Village because there is no additional action required until the hearing on Dec 10<sup>th</sup>. He stated the “heavy

- lifting” has already been done. Mr. Christmas stated he would hate to see the Village of Wagon Mound run out of water in the future, and he stated it is common knowledge that the water tables are dropping. He stated when he was younger there were always wetland areas with cattails growing next to the railroad tracks, and those no longer exist. Mr. Christmas stated it is critically important for the Council to consider the case because the future of the Village is dependent upon it, and he believes the Village needs to take a stand on it. He stated he and others are willing to donate toward the cost of the legal fees.
- Village of Wagon Mound Citizen Lily Martinez stated she has spoken with several people in the community regarding the Village remaining a protestant to the proposed wells being drilled south of Wagon Mound. She stated people are concerned, and she was asked to attend and speak on their behalf. Ms. Martinez stated it would be a disaster for Wagon Mound to have an individual draw so much water that the Village may run out of water in the future. She stated she believes this is an issue that really needs to be looked at and considered by the Mayor and Council as representatives of the Village. She stated some citizens told her they were not going to attend because they feel like the Council “will do whatever they want anyway.” She stated she has faith that after hearing the concerns of citizens regarding the Village’s water rights and availability. She stated the citizens need the Governing Body to represent their concerns and act on their behalf to protect the Village’s water rights.
  - Village of Wagon Mound Citizen Jediah Seidman stated he now owns a home in the Village, and he looks forward to a long future of being a member of this community. He stated the community extends beyond Village limits, and he is asking for the Village of Wagon Mound to help protect these water rights in order to stand up for Wagon Mound and the greater community.
  - Citizen Lily Martinez spoke again as a member of the Concerned Citizens of Wagon Mound and Mora County. She stated the group is opposed to the proposed wells and irrigation operation. She stated she would like to hear any letters that were sent to the Village read aloud.
  - Monica stated Deputy Clerk Colleen Engelhardt will now read the letters, and Colleen stated she will read the letters in the order in which they were received:
    - Mora County Resident Becky Christmas – Stated citizens of Mora County and the Village of Wagon Mound must be concerned about the availability of water. She stated other were intimidated to drop their protests. She stated laws are meant to be followed and obeyed, and communities should work together. She stated that even though the protest has been a terrible burden of time and money, she believes in doing what is right. She stated the Christmas Family, the Seidman Family, and the Yates Family have been fighting for the Village, and she asked the Village to remain in the fight as well to ensure water is available for generations to come.
    - Village of Wagon Mound Resident Irene Rosa and spouse – Stated she was appalled to hear the Village Council was considering withdrawing from the protest. She stated Villagers have not been informed of the protest or the consequences of the proposed water use. She stated an explanation is needed. She stated she spoke with a geologist that has mapped water resources in the southwest for 25 years, and this person has stated the impacts would be devastating and drilling wells to replace the Village’s water supply would be inconceivable. She stated she has witnessed much environmental destruction and has experienced the hurt of decisions made by those that represent, protect, and serve the people. She asked the Council to please respect the community, respect the impacts of climate change and mega drought, and please respect the ranchers that are fighting for the larger community by remaining in the lawsuit.
    - Mora County Residents Brad Christmas and Family – Stated he believes it is of utmost importance for the Village to continue on in the protest in order to protect the Village and the citizens. He stated he believes the Village would not survive without the Santa Clara Springs. He stated when he was younger, there was always standing water next to the train tracks, and that water has since dried up. He stated that could happen to the Spring with undue pressure on the aquifer. He stated with the

proposed operation pumping more water in one year will be drawn in one year than the Village consumes in 10 years, which could lead to running out of water in only a few years. Mr. Christmas predicted, without water, the Farmer will move on elsewhere without concern for the fate of the community. He referred to other cases where this has happened including areas downriver of Watrous, Pecos, TX, areas around Lubbock and Dalhart, TX, and Clovis and Portales, NM. Mr. Christmas suggested there are many areas that are more conducive to the proposed irrigation operations, and he stated this is where the Farmer should go. He stated the three families/ranches have taken up the fight because they believe their land will become worthless if the water table dries up. However, he stated, they consider themselves a part of the larger community and have an obligation to be good neighbors. He stated the Village may not re-enter the fight at a later date if the decision is made to withdraw, and the Village will lose all protest rights excessive use or impact on the Village. He asked the Council to not be hasty in their decision, to recognize the current appeal process will result in little or no additional cost to the Village, and to realize what could happen in the long term.

- Tracy H. Seidman – Stated the Council is holding the future of the Village in their hands as there is a necessity to safeguard the Village’s water future. Ms. Seidman stated others have suggested there is plenty of water in Santa Clara Spring and there is no need for concern. She stated this is an understandable view, because the proposed irrigation has not yet begun. She stated she provide the Council with information regarding the cone of depression created by powerful irrigation pumps, and this material illustrates how upstream sources can be effected. She stated the concern is having 997 million gallons pumped out of the watershed annually. She stated highly-efficient pivot irrigation returns zero water back into the watershed, which would result in devastating local impacts. Ms. Seidman stated aside from impacts to the Santa Clara Spring, the suction created by the irrigation would dry up water below the Village, and established vegetation could die while old acequias dry up. She asked the Council to consider what their backyards would feel like without any shade. She stated the three main families/ranches involved in this protest have spent hundreds of thousands of dollars in legal representation and technical investigation of the area’s water resources, and this has convinced those involved that the protest is essential for all, including the Village. She stated these three ranches have accepted the Village as a full partner, and counsels for all protestants decided to submit one joint Response Brief to the district court judge. She stated this brief was submitted last week, in accordance with the judge’s schedule. She stated should the Village withdraw at this point, the process will be thrown into disarray likely increasing fees for other protestants. She asked the Council to please consider the efforts of other protestants before abandoning the process.
- Village of Wagon Mound Citizen Sofia Martinez stated she prepared a letter, but must have submitted it to the wrong email address. She read it aloud on behalf of herself and the Concerned Citizens of Wagon Mound and Mora County (CCWMMC). She stated the concern for the Village’s right to water, and she stated it has been recorded that the Santa Clara Spring is not producing like it has in the past. She stated New Mexico has been in a 15 year drought, and the Village cannot afford to allow one person to pump ground water in a way that will effect water table levels and weaken water seepage to other people, ranchers, and the areas surround the proposed irrigation operation. She stated the proposed irrigation has already been denied by the State Engineer. She stated water is needed for people, not for one person’s cattle operations. She asked why should the Village be his profit? Ms. Martinez referenced this individual’s operations in Watrous that have impacted many downstream. She stated CCWMMC are asking the Village to remain in the legal suit as a protestant. She stated the Village’s water budget is paid for by the people, and CCWMMC helped fight a lawsuit to affirm the Village’s water right. She stated the Council has a responsibility to protect the citizens’ right to water.

- Mayor Martinez thanked the citizens for their comments and participation. He recommended to convene into executive session as allowed by Section, 10-15-1, H 1-10. NMSA 1978 to discuss the legal case and decision facing the Council.

Motion to convene into executive session was made by Mayor Pro Tem Cruz, seconded by Councilor Clouthier. Roll Call Vote: Councilor Lopez – yea; Councilor Clouthier – yea; Councilor Miera – yea; and Mayor Pro Tem Cruz – yea (Vote 4-0) Motion carried and all in favor. The Meeting convened into executive session at 6:34PM.

Motion to reconvene into regular session was made by Mayor Pro Tem Cruz, seconded by Councilor Clouthier. Roll Call Vote: Councilor Lopez – yea; Councilor Clouthier – yea; Councilor Miera – yea; and Mayor Pro Tem Cruz – yea (Vote 4-0) Motion carried and all in favor. The Regular Meeting reconvened at 6:53PM

- Mayor Martinez stated no action was taken during executive session, and he recommended a motion for the Village to continue participation in the protest to the State Engineer until a decision has been made in the appeal to the District Court. He stated the Village will have an opportunity to discuss how to proceed once the outcome is known.

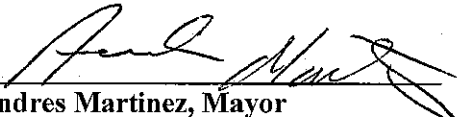
Motion to approve the Village’s participation as a protestant in the protest to the State Engineer was made by Mayor Pro Tem Cruz, seconded by Councilor Miera. Councilor Lopez – yea; Councilor Clouthier – yea; Councilor Miera – yea; and Mayor Pro Tem Cruz – yea (Vote 4-0) Motion carried and all in favor.

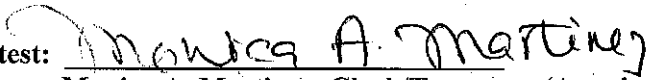
- Mora County Resident Brad Christmas thanked the Council and stated he will be happy to help keep the Village informed of the case and the actions of their legal representation.
- Mora County Resident Tracy Seidman stated she appreciates the time and attention the Council has given this matter, and she believes a wise decision was made. She stated she looks forward to continue working with the Village as full partners as we continue to see this through together.

V. Adjourn

Motion to adjourn was made by Councilor Miera, seconded by Councilor Clouthier. Councilor Lopez – yea; Councilor Clouthier – yea; Councilor Miera – yea; and Mayor Pro Tem Cruz – yea (Vote 4-0) Motion carried and all in favor. The meeting adjourned at 6:59PM.

Approved and attested this 15<sup>th</sup> Day of December, 2020.

  
Andres Martinez, Mayor

Attest:   
Monica A. Martinez, Clerk/Treasurer (Appointed)



(SEAL)