



# TALE WATERS

A Monthly Publication of  
Mesilla Valley Flyfishers, Inc.

P.O. Box 2222  
as Cruces, NM 88004-2222

[www.MVFF.org](http://www.MVFF.org)

November

2022

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Tale Waters Edited by Jim Hulsey — [newsletter@mvff.org](mailto:newsletter@mvff.org)

## Meetings

The next meeting of the general membership will be November 14<sup>th</sup>, at 7pm at the NMDGF conference room on Northrise. We will have three presentations by NMSU fisheries students at this month's meeting. See the President's Corner for additional info.

The next meeting of the MVFF Board of Directors will be on November 21, at 7pm, via Zoom.

## President's Corner

David Carmichael



### Club News

The next meeting of the general membership will be on November 14, at 7:00 PM, at the NMDGF facility at 2715 E. Northrise Drive. Our guest speakers will be Michael Miller, Breanna Graves, and Maret Smith-Miller, all graduate students in the NMSU fisheries program. Michael's presentation will be on the "Population Dynamics of Male-YY Brook Trout in Northern New Mexico." He has constructed an age-structured model of how the stocking of "Trojan trout" can help reach the goal of

eradicating non-native Brook Trout from habitats that could support native trout in New Mexico. Breanna will discuss "Evaluating the Reproductive Success of Myy Brook Trout in Northern New Mexico." Her research is focused on addressing the knowledge gaps regarding the reproductive success between Myy (feminized male Brook Trout) and wild Brook Trout. Maret will summarize her research on "Population Dynamics and Life-History Characteristics of Rio Grande Cutthroat Trout in the Upper Rio Costilla Watershed." Her work focuses on the habitat suitability of high mountain lakes and population persistence of Rio Grande cutts.

These presentations should provide interesting updates on the ongoing efforts to eradicate invasive Brook Trout in watersheds with which many of us are familiar, and replace them with native fish species. I hope you will attend and support our NMSU student partners as they prepare their research for presentation at professional conferences.

At our December 12 meeting, club member Mary Hoffman will give a presentation on the recent New Mexico Supreme Court opinion on the stream access case. For those who would like an early look at the issue, see her column [elsewhere](#) in this newsletter.

Last call for new MVFF Board members. At the November 21 meeting of the Board of Directors, we will finalize the slate of officers for next year, which will be voted on by the members in attendance at the December club meeting. If there is anyone who has an interest in serving on the board, now is the time to speak up. Please contact me or another board member so that your

nomination can be considered at our next meeting.

**Lease Stocking.** At the October board meeting, we agreed to stock the lease during mid-November, probably either the 12<sup>th</sup> or the 19<sup>th</sup>. We are in the process of determining the date of the activity, and the general membership will be notified when the details are finalized. Members who help with the stocking are entitled to fish the rest of the day for free, so watch your emails for the details.

### It Takes All Three

Miriam and I just returned from a fishing trip to the San Juan River, and despite the challenges presented by the cold conditions, we both agree this was our most enjoyable fishing experience on the San Juan. On the first day, we met our guide from Fisheads at 8am, with the air temperature hovering around 25 degrees, a dusting of snow from the previous night, and a river flow of 320 cfs. We were bundled up with layers against the cold, but most importantly, we experienced the warmth that comes from the use of chemical hand and foot warmers, and a Zippo electric hand warmer. In an unexpected twist, the float trip started at Crusher Hole, and we fished downstream through the Bait Water section, to the take out at Rainbow Lodge, downstream from the Octagon Inn. Then, after lunch in front of a pellet stove at Fisheads, we put in at Texas Hole for a couple of hours fishing the riffle below the boat ramp.

Though unexpected, this game plan was part of a well thought out strategy to maximize our chances of success in challenging conditions. Apparently, the Bait Water section of the river is

avoided by most of the guided float trips; indeed, the only boat we saw was ours. And, in those weather conditions, there are hardly any bait anglers out there, especially on week days. In addition, starting at the lower end of the park allowed us to fish productive waters before the afternoon winds reached their maximum velocity of 30+ mph. Then, when we returned to Texas Hole at the end of the day, the only two boats there were ours and one other from Fisheads. Not only did we avoid nearly all other anglers, the guides used the high winds of the afternoon to essentially sail upstream, back to Texas Hole, after each drift through the riffles. Pretty slick: rowing not required; only steering.



*Snow on the cottonwoods at Crusher Hole, San Juan River*

More than most other float trips I've had, the mood was up-beat, enthusiastic and supportive from beginning to end. At the put-in at Crusher Hole, our spirits were buoyed by the cheerful songs and brilliant yellow plumage of a flock

of Evening Grosbeaks. A short distance below Crusher, an osprey showed us how to catch fish in spite of the cold, and we were off and running. We spent most of the day between Crusher Hole and Cottonwood Flats, fishing a peach-colored egg pattern with a *Baetis* nymph below. In the afternoon, below Texas Hole, the setup was switched to a gray-brown bunny leach above a tubifex worm imitation (a single strand of brown rubber legs). The next day we spent four hours wading in the upper section of Cottonwood Flats using a similar rig, but with a chironomid (midge) larva below the egg pattern. We caught a lot of fish on both days, including more large ones than in our previous trips to the SJ. But it wasn't just about numbers and sizes of fish.

We also received some individualized instruction about perfecting the hookset with long leaders, rigging the fly setup preferred by the guide for the conditions at hand, information on recent changes in the river and its holding areas, etc.

Here are a few of the guide tips that might be of interest to club members. 1) Early November is one of the best times to fish the San Juan. In the past, our club trips to the Juan have been scheduled in November instead of October because of the lower costs. It is widely believed that October is the best month to fish the river, but it is also the most crowded time of the year. Our guide assured us that the fishing in early November is usually as good or better than in October, and it is much less crowded. So, the timing of club trips arranged over the years by Chuck Mueller has been spot on. 2) Another good time to fish the San Juan is in the middle to end of summer. Most of the people who book float trips are from out of state. They come to the San Juan during late spring (when runoff is underway on their home waters), or in October, when low flows predominate on their home waters. Summer is one of the least crowded times of the year to fish the Juan.

3) You know how many of the SJ guides rig flies with two pieces of tippet going through the same hook eye? It's not too difficult to do with a large



*Miriam with one of several trout in the 20-inch range she caught on the San Juan earlier this month.*

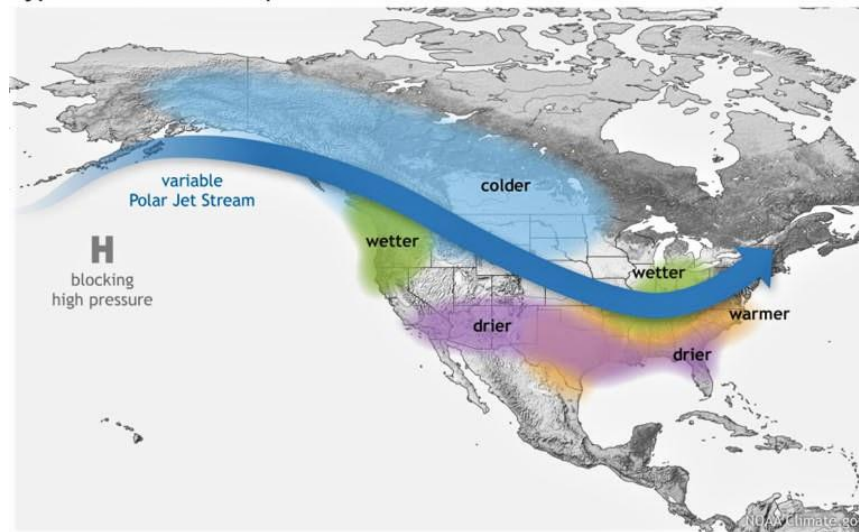
hook, but it can be a chore on a size 22 or 24 fly. Using your nipper to cut the end of the tippet at a very acute angle creates a point that makes it easier to insert into the hook eye. I tried it on our wading day, and it works great. 4) **It takes all three.** When we finished our float, we told the guide how much fun the day had been, how much we appreciated his efforts, and how much we had learned. His response was, "it takes all three." That is, it takes the efforts of all three people in the boat to make a great day on the river.

What he meant was that it takes all three people being interested in other people and willing to communicate; being prepared to fish and to learn; being prepared for the conditions and not complaining; bringing a positive attitude, and enjoying the time with your fishing companion.

Help your guide fish. They are not just rowing the boat. They know where the fish are, and how best

to entice them in the conditions of the moment. The guide is actually fishing, and the clients are part of the system and tactics being used. Try to get on board with their approach, and learn some new tricks, even if you're an Old Dog like me.

#### Typical winter La Niña pattern



*Air mass and storm track conditions predicted for this winter follow the typical La Nina pattern, for the third year in a row.*

Now might be an especially good time to get on the river, any river, before winter really sets in. Forecasts are that we are in for the third La Nina

winter in a row, a phenomenon that has only happened three times since weather records have been kept. That means that the Southwest can expect another dry winter, and all the impacts on our fisheries that come with those conditions. Hope to see you on the water soon, maybe for stocking the lease.



## Gila/Rio Grande Chapter of Trout Unlimited

Gila/Rio Grande Chapter (780) of Trout Unlimited



Jeff Arterburn, President

**For MVFF – November**

**Find out about Trout Unlimited Events happening in our area and around the country**

**using the online TU Events Calendar:**

<https://www.tu.org/events/>

**Successful habitat restoration project on Little Turkey Creek November 3–6, 2022.**

We were all puckering as we watched the weather reports and radar maps before heading into the Gila National Forest to start the habitat restoration work project, and it was not looking good with a major storm moving through. By Thursday we had several people pull out, but the rest of a hearty core headed out to meet at the Willow Creek Campground and set up tents around the NMDGF Cabin.

Jim Brooks soon had a warming campfire going and Lief Ahlm fired up a giant pot of whitetail deer posole to help us weather the cold with ~3 inches of snow accumulating by bedtime.

It was a cold Friday morning, but the NMSU Fisheries and Wildlife students (3 Graduate students and 3 Freshman Undergraduates), MVFF/TU Member David Brown from El Paso, Kent Johnejack from the AZ-TU Old Pueblo Chapter in Tucson, Jeff Shearer Natural Resources Staff Officer for the Gila National Forest, Allen Haden from Natural Channel Design, Inc. based in Flagstaff, Arizona, the fishing Professors Jeff and Brad from GRG-TU along with 4 mules and 4 assorted dogs made up the fun, tough and awesome crew camping

together. We were joined Friday by 3 more USFS staff and our NM Environment Department Contract Manager Susan Styer, and the team split up with three assigned to cut and prep willows and the rest of the group trudging through the snow a mile up to the worksite to begin construction of the in-stream rock structures.

It was no picnic finding rocks in the snow but following Allen's directions we got to it and months of planning finally took shape as the team knocked the structures out one-by-one, and almost immediately they began functioning to control the stream flow. The work was exhausting but it was so rewarding to see the healing process for the stream begin, and to share in the great camaraderie that comes with volunteer work.

Saturday was sunny and warmer as the crew headed back upstream to finish the scope of work building >20 1-rock dams (that each have ~30 rocks!), 2 zuni bowls, 2 log vanes, ~35 willow bundles installed to stabilize three sculpted eroding banks, and >300 willow pole and cluster plantings. Each time the custom-welded willow planting dibble bar tools punched deep into the stream bank, exposing the groundwater and then accepting the willow shoots you can feel the hope that this plant will survive, and it will sink its roots to hold the soil and re-establish the streamside vegetation to cover and shade the stream so that it will be deep and cool and inviting for the native Gila trout.

Looking back over the work site before heading back to the camp our weekend's work felt like an island of hope in the burned landscape, where we will return to continue restoration work in the Spring of 2023.

We provided information and photos (photos can be seen on [page 5](#)) to Shelly Lemon, Chief of the Surface Water Quality Bureau New Mexico Environment Department and she will be highlighting our work in the final Clean Water Act 50th Anniversary celebratory message on NMED's social media later this week!

Every one of the 17 participants who came out had a great time and want to come back for the

next round, and we hope to see you on the stream at the next volunteer event. YOUR participation will make a difference!

Contact Jeff Arterburn for more info and to sign up for the next volunteer event or be more involved in our conservation efforts: [jeffgilatu@aol.com](mailto:jeffgilatu@aol.com).

**GRG-TU Logo T-shirts to support local trout restoration and conservation efforts.**



Green logo on ivory



Peanut butter logo on black

Our beautiful T-shirts with the GRG-TU logo in colors: green-on-ivory, and peanut-butter-on-black are sold as part of our fund-raising for trout restoration and conservation efforts. These are great looking, well-made shirts for a great cause

at only \$20 each. Please include \$5 for shipping if you want the shirt(s) mailed. Contact Jeff Arterburn to get yours, and to sign up for the next volunteer event: <mailto:jeffgilatu@aol.com>.

If you are a current or former TU member looking to renew your membership please use the standard renewal form on the TU website: <https://gifts.tu.org/member/renew> or call 1-800-834-2419.



### MVFF Library

MVFF has a considerable library which is now in the custody of Club member Mark Dankel. Mark would like to make these books available to members. If you wish to borrow any of these books let Mark know and he will bring them to the next membership meeting. Mark can be contacted at [mpdankel@msn.com](mailto:mpdankel@msn.com).

A list of the books can be found in the November 2019 issue of *Tale Waters*.



## Habitat Restoration Project

Little Turkey Creek, November 3-6, 2022

Thanks to David Brown for some great shots!



Frosty morning at Willow Creek



Jim, Cassie, John and Giulio firing up for the day



Breakfast in the corral



Any volunteers to warm up these waders?



Oliver the mule ready to work



Work site with 1-rock dams and willow pole plantings



Lunch Break



The Willow Team – Dave, Cassie and Kent



## NEW MEXICO SUPREME COURT ISSUES WRITTEN OPINION IN STREAM ACCESS CASE

By Mary Hoffman, MVFF Member

On September 1, 2022, the New Mexico Supreme Court issued its long-awaited written opinion in the *Adobe Whitewater Club of New Mexico* case. The opinion explains the basis for the Court's unanimous ruling, after oral argument on March 1, 2022, that: (1) the public has a right to fish and recreate in public water guaranteed by the New Mexico Constitution which includes the right to walk and wade on the beds of public lakes, rivers and streams on private lands, and (2) this right was violated by New Mexico State Game Commission (NMSGC) rules which allowed private land owners to apply for permission to close off public fishing in segments of public water flowing over private lands. Finding the NMSGC stream access rules to be unconstitutional, unauthorized by law and invalid, the Court held that previously approved applications to close off stream access pursuant to the rules were void. The Court stressed in its opinion that access to public water must be legal and anglers may not trespass on private land to reach public water or trespass on private land from public water.

While the Court's written opinion gives general guidance to anglers and private landowners regarding their relative rights related to the fishing of public water that flows over private land, it leaves a number of questions unanswered. Consequently, the full impact of the Court's decision will be decided in the future.

as the law of the *Adobe Whitewater Club* case is applied to different factual situations and, perhaps, further defined in future state laws and NMSGC rules.

### Background

In 2015, the New Mexico Legislature amended a state law, NMSA 1978, 17-4-6, to prohibit walking or wading onto private property through non-navigable public water or accessing public water via private property without written permission from the landowner, a lessee or other person in control of the property. Relying on this statute for authority, NMSGC issued its rules in 2018, establishing a process for private landowners to apply for a certificate allowing them to close off public access to segments of public water flowing over private property. Under the NMSGC rules, certificates could be applied for to bar public access to riverbeds, streambeds or lakebeds located on private property. The rules provided that members of the public could be cited for criminal trespass if, while fishing, they walked or waded in a riverbed, streambed or lakebed beneath public water that had been closed under the rules unless they had written permission. After the stream access rules took effect, NMSGC approved five applications for certificates that authorized private land owners to close segments of the Rio Chama, the Pecos River, Alamosa Creek, the Mimbres River and the Rio Peñasco.

On March 13, 2020, the Adobe Whitewater Club, joined by the New Mexico Wildlife Federation and the New Mexico Chapter of Backcountry Hunters & Anglers, filed this case asking the New Mexico Supreme Court to overturn the NMSGC rules and void the issued certificates arguing that the rules violated the New Mexico Constitution by interfering with the public's constitutional right to use public waters and were issued without legal authority. After the case was filed, and membership changes occurred in the State Game Commission, the Commission postponed acting on five additional applications. In August of 2021, after being ordered by a federal judge to decide those additional applications, the Commission rejected them. In doing so, the Commission made findings that granting the applications would harm the public and violate the New Mexico Constitution's guarantee that the unappropriated waters of the state belong to the public.

After this case was filed, other parties applied to join the case as intervenors and defend the rules and they were given approval to do so. These intervenors included holders of approved stream access certificates, applicants for certificates whose applications had been denied, and advocacy and trade associations like the New Mexico Cattle Growers' Association and the New Mexico Council of Outfitters and Guides. On the other side, both New Mexico Senators and multiple conservation and nonprofit organizations were allowed to file friend of the court briefs in support of the three organizations that originally brought the case.

There was no trial in the case because it was an original proceeding before the New Mexico Supreme Court. The Court held oral argument on March 1, 2022, and after private deliberation announced its unanimous decision that day from the bench. In announcing its decision, the Court said it found that the parties who brought the case had standing to litigate the constitutionality of the stream access rules and the case was properly before it. The Court went on to state that the rules were unlawful under the New Mexico Constitution and were issued without authority under a constitutional reading of state law. The Court issued an order directing NMSGC to stop implementing the rules and withdraw them, and declared that certificates already issued under the rules were void. The Court later denied a motion for rehearing by the intervenors in the case.

After the Court's decision, NMSGC held a special meeting and repealed the rules. NMSGC sent letters to the private landowners who were previously issued certificates which informed them that their certificates were void, that any signage referencing the certificates and restricting access to their water-course must be removed, and that unless otherwise authorized by law any barriers limiting access to legally accessible water must also be removed.

### What the Court Did, and Didn't Decide

In its opinion, the New Mexico Supreme Court first decided whether the case was properly before it and answered the question “yes.” The Court analyzed three factors and concluded it could decide the case because: (1) the scope of the public’s ownership rights in the natural waters of New Mexico and the competing property interests of private landowners involved a constitutional question of great public importance, (2) the case involved purely legal issues, and (3) the importance of the constitutional issue and the need for clarification of the scope of the public’s right to use public waters over private property warranted a speedy resolution which the Court could provide.

At issue in the case was the scope of the public’s right to use public water flowing over private property. The Court noted that unappropriated water in New Mexico belongs to the public, citing Article XVI, Section 2, of the New Mexico Constitution which provides that “[t]he unappropriated water of every natural stream, perennial or torrential, within the state of New Mexico, is hereby declared to belong to the public.” The Court also noted its holding in a 1945 case, *State ex rel. State Game Commission v. Red River Valley Co. (Red River)*, 182 P.2d 421 (1945), that this section of the state constitution combined with pre-statehood law give the public the right to recreate and fish in public water even if the land bordering and below the public water is privately owned. The Court framed the specific question in the *Adobe Whitewater Club* case as whether the public’s established right to recreate and fish in public water allows the public to touch the privately-owned beds below those waters and answered that question “yes.”

In deciding the case, the Court rejected the Intervenor’s arguments that the navigability of water or ownership of beds beneath public water were determinative issues. Instead, the Court concluded that public waters in New Mexico, whether navigable or non-navigable, are subject to state law under “the public trust doctrine” even if the beds beneath them are privately owned. The Court cited earlier New Mexico case law holding that under the public trust doctrine the state, as the owner of public water, has the right to prescribe how it may be used and the Court’s decision in *Red River* establishing that the scope of the public’s right to use public water includes fishing and recreation. Thus, the Court concluded that state law governs the scope of the public’s right to use public water and under state law that right includes fishing and recreation.

The Court then had to decide what the public’s right to use public water for fishing and recreation includes. Relying on Article XVI, Section 2, and its decision in *Red River*, the Court held that “the public has the right to recreate and fish in public waters and ... this right includes the privilege to do such acts as are reasonably necessary to effect the enjoyment of such right.” The Court went on to hold that “[w]alking and wading on the privately-owned beds beneath public water is reasonably necessary for the enjoyment of many forms of fishing and recreation.”

Because the NMSGC rules limited the public’s right to recreate and fish in public waters, the Court concluded that they were unconstitutional. Applying rules of statutory construction, the Court also concluded that Commission lacked authority under state law to promulgate the rules.

In its opinion, the Court acknowledged limitations on the public’s right to fish and recreate on public waters that flow through private lands and stated this right “includes only such use as is reasonably necessary to the utilization of the water itself and any use of the beds and banks must be of minimal impact.” The Court noted that the real property interests of private landowners and the public’s interest in water are both important and constitutionally protected and implied they must be balanced. The Court also stressed that access to public water must be legal – the public cannot trespass on privately owned land to access public water or trespass on privately owned land from public water.

As a final matter, the Court rejected the intervenor’s argument that its decision to allow the public, while fishing or recreating, to walk and wade on the beds of public waters flowing over private lands amounts to a judicial taking of private property rights. In reaching its decision on this issue, the Court pointed out



that public ownership of water in New Mexico pre-dated statehood and was established under Spanish and Mexican law recognized by the United States government. This led the Court to conclude that the intervenor's ownership of their land, derived from United States patents, was taken subject to the public's pre-existing right to fish public waters flowing over those lands and, while fishing, the right to touch the privately-owned land that lies beneath those waters.

### **Practical Implications for Anglers**

So what are the practical implications of the Court's opinion for anglers? The Court affirmed that the public has a right to fish public waters that flow over private land and may engage in "such acts as are reasonably necessary" to enjoy this right which include floating public waters and also walking and wading on the beds of rivers, streams and lakes that lie beneath public waters. The Court emphasized that this right is limited to what is "reasonably necessary" to use the water itself and cautioned that "any use of the beds and banks must be of minimal impact." Moreover, anglers cannot trespass on privately owned land to access public waters or trespass on privately owned land from public waters.

Thus, New Mexico anglers with legal access to public waters on private land can float walk, or wade the waters in order to fish them. Additionally, some use of the banks while fishing may be permissible. All use of private beds and banks must be "reasonably necessary" to use of the water itself and the use must be of minimal impact. Other specifics of what might be "reasonably necessary" to enjoy the right to fish public waters on private land and what constitutes "minimal impact" remain to be decided.

### **Here are some of the questions left open by the opinion:**

What does "reasonably necessary" mean and what do "reasonable" and "necessary" mean when applied to specific circumstances that involve fishing public waters on private lands? Will New Mexico courts look to the law of easements to flesh out the "reasonably necessary" standard in the future?

What are the boundaries of public waters within which an angler can walk or wade while fishing? For example, if "reasonably necessary" can an angler walk or wade up to the high-water mark of a river, stream or lake? And if "high water mark" is the angler's boundary, how is "high water mark" to be defined?

If "reasonably necessary" can an angler walk on private land beyond the banks or high-water marks of public waters in order to avoid natural or man-made barriers such as dams, irrigation take-outs or debris?

If "reasonably necessary," to what extent can an angler walk on dry land within the banks of public waters such as on islands, sandbars, or areas of exposed rocks or sediment?

What does "minimal impact" mean? Can anglers leave trash or other waste material like leader and tippet caught in vegetation and snags while fishing public waters that flow through private lands? Can they wade through spawning beds and redds, remove or alter vegetation or debris that bar access through the water, walk on fragile banks while fishing, or disturb sensitive plant and wildlife areas?

Some states with public access fishing, like Montana, have adopted laws and rules that specify, in considerable detail, the relative rights of private land owners and the public related to fishing public waters on private land. Whether New Mexico will follow suit remains to be seen, so stay tuned.

### **Appeal to the United States Supreme Court**

On October 28, 2022, Chama Troutstalkers, LLC and Z&T Cattle Co., LLC, private land owners who had been granted NMSGC approval to close off segments of public water in New Mexico and were parties to the *Adobe Whitewater Club* case, filed a petition for a writ of certiorari with the United States Supreme Court seeking review of the case. Most, but not all, petitions for a writ of certiorari are denied by the United States Supreme Court. Whether that will happen with the *Adobe Whitewater Club* petition remains to be seen. For the time being, however, the New Mexico Supreme Court's decision is controlling law in New Mexico on the subject of stream access.

### The Opinion is Available to Read On-Line

For those who want to read it, the opinion is available in slip opinion form on the New Mexico Supreme Court website site at <https://supremecourt.nmcourts.gov>. The title of the case is *Adobe White-water Club of New Mexico, et al., v. New Mexico State Game Commission, et al.* and the New Mexico Supreme Court docket number is S-1-SC-38195. The opinion was filed on September 1, 2022.

For those who want to follow the United States Supreme Court certiorari proceeding, the docket and case filings can be viewed on the Court's website at <https://www.supremecourt.gov>. The case name is *Chama Troutstalkers, LLC, et al. v. Adobe Whitewater Club of New Mexico, et al.* and the case number is 22-410.



## MVFF Board of Directors Meeting

Monday, October 24, 2022

Submitted by Jeff Arterburn (Secretary)

The MVFF Board of Directors Meeting was called to order by David Carmichael at 7:03 pm, via Zoom. Board members present were Jeff Arterburn, Jeremiah Blount, David Carmichael, Jim Hulsey, Robert Kopczyk, Chuck Mueller, George Sanders, and Helen Zagona. Not present: Robert Ardovino, Bob Silver.

1. **Approval of minutes.** The minutes from the Board meeting held September 19, 2022, were approved as published in the October newsletter.
2. **Treasurer's Report.** Chuck Mueller presented the Treasurer's report. The current available balance of club accounts is \$14,949.09. The report was accepted as presented.
3. **Membership.** No report.
4. **Gila/Rio Grande Chapter of Trout Unlimited.** Jeff Arterburn summarized plans for the Volunteer Habitat Restoration work project at Willow Creek scheduled for November 3-6. A good group of volunteers have signed up and logistics are in place for a productive project. Jeff and Brad Shuster will attend the NM-TU State Council meeting in Taos October 28-30 featuring a public presentation and panel discussion about diversity, partnerships with cattle growers, partnerships with tribes and their waters and shared goals in cold water conservation. The meeting will also advance planning for the TU Western Regional Meeting

that is scheduled for May 19-21, 2023. Details on these and other events can be found on the Trout Unlimited Events Calendar: <https://www.tu.org/events/> go to <https://tu.myeventscenter.com/event/New-Mexico-Council-Retreat-67234>

5. **Old Business:** David reported that personal thanks for donations to the Walt Kowalski memorial will be sent out by his daughter. David has continued correspondence with Pete Emerick from the NMSU Foundation finalizing the documentation of the Mabie Legacy Scholarship. It was reported that Bill Parker has trout available and Dave will coordinate with Bob Silver to finalize arrangements for the next lease stocking.
6. **New Business.** Upcoming Speakers and Events: The November 14<sup>th</sup> meeting will feature presentations by NMSU graduate students on their studies applying the genetic approach using YY "Trojan Trout" as a tool for restoration of native trout populations in NM. The December 12<sup>th</sup> meeting will feature Mary Hoffman providing an analysis and interpretation of the recent NM State Supreme Court legal decision on stream access. David has confirmed Pat Dorsey as a banquet speaker for February 11, 2023 to be held at St. Paul's Methodist Church. Helen will contact Sparky's to see if they will be able to cater the

event. The Board allocated \$2K to initiate the Prize Committee (Jeff, George, Bob, Brad) to make purchases for the banquet raffle, with expectation that increased costs may require additional funds to offer a similar prize list. The board discussed other possible speakers from the region in CO for March–April and will finalize those invitations. Jeremiah continued the discussion of delivering zoom presentations and/or recordings of future club meetings for members unable to attend in-person

meetings. The board is enthusiastic to provide this option to members, and the hardware and storage options needed for hosting the videos were discussed. Jeremiah and Robert will continue to research the various options and will report at the next meeting.

7. The date of the next Board meeting is scheduled for November 21, 2022,

The meeting was adjourned at 8:25pm.



**Quick Look Contact Information**

2022 Officers of the Club	
<b>Officers</b>	
• <b>President:</b>	David Carmichael (915) 204-7558
• <b>V-Pres.:</b>	Vacant
• <b>Secretary:</b>	Jeff Arterburn (575) 649-9729
• <b>Treasurer:</b>	Chuck Mueller (575) 647-4045
<b>Board Members</b>	
• <b>Position 1:</b>	David Carmichael (915) 204-7558
• <b>Position 2:</b>	Helen Zagona (575) 532-5668
• <b>Position 3:</b>	Jeff Arterburn (575) 649-9729
• <b>Position 4:</b>	Jim Hulsey (575) 635-5381
• <b>Position 5:</b>	Robert Ardovino (575) 589-0653
• <b>Position 6:</b>	Chuck Mueller (575) 647-4045
• <b>Position 7:</b>	George Sanders (575) 527-5536
• <b>Position 8:</b>	Jeremiah Blount
• <b>Position 9</b>	Robert Koczyk
<b>Newsletter &amp; Web Page Editor</b>	
• Jim Hulsey (575) 635-5381	<a href="mailto:newsletter@mvff.org">newsletter@mvff.org</a>
<b>Membership Committee Chairman</b>	
• Bob Silver (575) 642-5865	<a href="mailto:membership@mvff.org">membership@mvff.org</a>

**Mabie Legacy Scholarship Fund**

The Mabie Legacy Scholarship Fund is an endowed fund at New Mexico State University which is funded by MVFF member donations. Earnings from the fund are used to provide scholarships for students at NMSU majoring in fisheries or related fields.

The scholarship recipient is selected each April by the faculty members of the NMSU Department of Fish, Wildlife and Conservation Ecology.

Even though the fund is endowed additions can be made to it at any time. The larger the fund, the more earnings are available for award. If you are interested in contributing please make checks out to the **NMSU Foundation** and on the "for" line of the check, identify "Mabie Legacy Scholarship Fund, for deposit only." All contributions are tax deductible. For any questions please contact one of the MVFF Officers or Board members. If you have not donated to the fund please give it consideration and help honor Norm and Donna Mabie.

**Current Email Addresses Needed**

Many of the email addresses in our files are not current as members change to other internet providers. These addresses will not be distributed, but will only be used to relay club information or reminders for club meetings and other club events. Please send your address changes to [membership@mvff.org](mailto:membership@mvff.org).

**Rio Grande Cutthroat Trout Print**

Help support the MVFF Habitat Restoration Projects and purchase a limited edition "Rio Grande Cutthroat Trout" print. This beautiful printing of an original watercolor of our native state fish is a limited series of 150 high quality 12 x 18 prints that are numbered and signed by New Mexico artist Michelle Arterburn. The cost of each individual print is \$25.00, with the proceeds dedicated towards habitat restoration projects. If you live out of town and wish the print mailed to you please add \$5 for postage. See the MVFF website for purchase.



**\*\*\*\*\* REMEMBER \*\*\*\*\***  
**MVFF MEMBERSHIPS & NM FISHING**  
**LICENSES EXPIRE ON 31 MARCH**

### Membership Information

Membership is open to anyone who supports the activities of the club. Membership fees are shown below. Members are provided with the opportunity to attend informational monthly meetings, to purchase fishing access permits to the MVFF leased waters on the Rio Peñasco and to participate in other Club activities such as an annual awards banquet, casting clinics, fly tying classes, and Club sponsored fishing trips.

There are several options for the payment of dues. A family is defined as a club member, their spouse and all children 17 years of age or under.

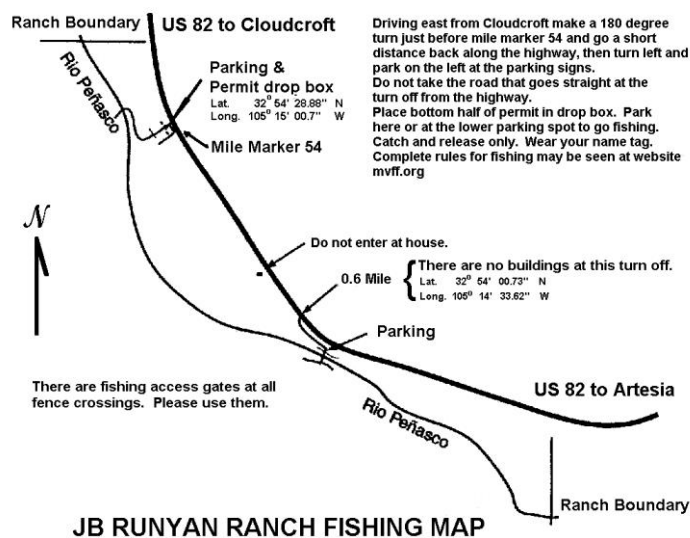
1 Year	\$20	Individual
	\$25	Family
3 Years	\$50	Individual
	\$60	Family
Life	\$400	Individual
	\$500	Family

### Lease Information

Permits to fish the Club leased waters on the Rio Peñasco can be obtained from Jim Hulsey (575-635-5381) or Bob Silver (575-522-6325) in Las Cruces. Permits can be obtained from the land owner, but you should phone (575-687-3362) the night before to ensure someone will be there to sell them to you. Permits can be ordered through the club web page (mvff.org) by filling out the form and mailing as directed or, if you had rather, you may pay through PayPal. Cost is \$25.00 per day. Kids under 18 fish free but must be accompanied by an adult club member with a permit. You must be a current member (current dues have been paid) of MVFF to fish the lease. Please wear your MVFF identification badge while on the property. New or replacement badges can be obtained by contacting Bob Silver. In addition, members may purchase 1-day, 1-time permits for up to 2 guests per trip. Each guest must have a permit. One-time means a person can go as a guest one time only and must be a member to ever go again.

#### Directions to the Lease:

Follow NM 82 east from Cloudcroft, NM or west from Artesia, NM. The turn off to the lease is located on the right side of the road about 100 yards before mile marker 54 coming from Cloudcroft or 100 yards on the left past mile marker 54 coming from Artesia.



MESILLA VALLEY FLYFISHERS, INC.

PO Box 2222

Las Cruces, NM 88004-2222

Membership and/or Permit Application

(Please Print Clearly)

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Work/Cell Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_ email: \_\_\_\_\_

Are you a current member? \_\_\_\_\_ Yes \_\_\_\_\_ No

Do you need a name badge? \_\_\_\_\_ Yes \_\_\_\_\_ No

New Membership \_\_\_\_\_ or renewal \_\_\_\_\_?

Membership Categories: Individual Family Circle the one desired.

1 Year \$20 \$25

3 Years \$50 \$60

Life \$400 \$500

For family membership: Name of spouse \_\_\_\_\_ No. of children \_\_\_\_\_

Note: All memberships expire on 31 March. New memberships received on or after 1 January will expire on 31 March of the following year.

Membership fee if applicable \$\_\_\_\_\_

\_\_\_\_\_ Adult Permits @ \$25 per permit = \$\_\_\_\_\_

Total =\$\_\_\_\_\_

Send remittance with this form to the address shown at top of page.