

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
September 12, 2007**

<p>The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, September 12, 2007. The meeting was called to order by President James Salopek on a motion by Tom Simpson, seconded by Ramon Alvarez. Motion carried. Joe Nelson and Robert Sloan were absent.</p>	Roll Call												
<p>EBID Staff present were Gail Norvell, Controller; Richard Bejarano, Water Master; EAC Co-Chair Tom Hansen, HR; James Narvaez, Hydrology Director; and Valerie Beversdorf, Computer Resources and GIS Director; and Jean Hinsley, Engineering/Resource Specialist and Susana Bravo, Land Tech 1.</p>													
<p>Also present were Steve Hernandez and Lee Peters, Hubert & Hernandez, P.A; Dr. Phil King, EBID Water Quantity Consultant; Rasool Ahadi, Office of the State Engineer; and Marvin Tessneer, The Bulletin.</p>													
<p>Jerry Franzoy motioned and Bill Gary seconded to approve the minutes of the August 8, 2007 Board meeting as presented. Motion carried.</p>	Minutes Approval												
<p>Robert Faubion motioned and Willie Koenig seconded to approve the minutes of the Special Board Meeting held August 21, 2007 as presented. Motion carried.</p>													
<p>Willie Koenig motioned and Robert Faubion seconded to approve correction to the minutes of July 11, 2007. The correction was in the total storage figures which had been incorrectly presented. Motion carried.</p>													
<p>Following a letter sent by an EBID constituent regarding the incorrect calculation of storage totals for July 1, 2007, the minutes of July, 2007 are amended to read that the total storage for Caballo and Elephant Butte was 711,430 AC/FT.</p>													
<p>The water supply outlook was presented. The storage totals on September 1, 2007 with a comparison for last year are as follows:</p>	Water Supply												
<table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;"><u>9/01/2006</u></th> <th style="text-align: center;"><u>9/01/2007</u></th> </tr> </thead> <tbody> <tr> <td>Elephant Butte</td> <td style="text-align: center;">331,550</td> <td style="text-align: center;">394,780</td> </tr> <tr> <td>Caballo</td> <td style="text-align: center;"><u>64,300</u></td> <td style="text-align: center;"><u>31,810</u></td> </tr> <tr> <td></td> <td style="text-align: center;">395,850</td> <td style="text-align: center;">426,590</td> </tr> </tbody> </table>		<u>9/01/2006</u>	<u>9/01/2007</u>	Elephant Butte	331,550	394,780	Caballo	<u>64,300</u>	<u>31,810</u>		395,850	426,590	
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Elephant Butte	331,550	394,780											
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<p>Items on the calendar were discussed. Dates include: Domenici's Regional Forum - Climate Change on State's Water Resources Conference to be held September 17th; LRGWUO Technical Committee Meeting to be held September 20th; Water Operations Meeting to be held September 20th; Managing for Excellence Conference in Portland Oregon beginning September 24th; Interim Water and Natural Resource Committee Conference beginning September 24th; Emergency Flood Plan Internal Meeting September 28th; State Water Plan Ad-Hoc Committee Meeting on October 12th; LRGWUO Tech Committee Meeting on October 18th.</p>	Calendar of Events												
<p>Jerry Franzoy motioned and Bill Gary seconded to change the October meeting of the Board of Directors to October 18th. Motion carried. The next meeting of the Board of Directors will be held on October 18, 2007 in conjunction with the LRGWUO Legislative lunch on that same date.</p>	Change of Meeting Date												
<p>Susana Bravo and Jean Hinsley presented the special use permits. There was one permit this month which was a limited use permit requested by South West Abstract and Title Co. This limited use permit would allow temporary parallel access adjacent to the West Drain which transects the farm owned by Dilaso, Inc. SWAT agreed to pay for 60' CMP necessary to cover approximately 1300 lineal feet of drain in question. Robert Faubion motioned to approve to allow for limited use permit. Willie Koenig seconded. Motion carried.</p>	Special Use Permits												
<p>Ricardo Bejarano gave the operations report for the month of August, 2007 as follows: Farm Deliveries, 3,214; Acres Irrigated, 66,639; AC/FT Charged to Farmers, 26,790; Actual Total Diversion, 47,172; Allotment Balance, 70,891; Breaks, 2; Run over, 0; 2007 Diversion Efficiency 57% as compared to 2006 at 39%. Mr. Bejarano</p>	Operations Report												

discussed a break in September that was the result of vandalism. This matter will be further discussed at the October meeting.

James Narvaez gave the Hydrology report for the month of August, 2007. The report is as follows: Orders totaled 236,437; Actual Diversion was 230,036; using -2,911 AC/FT; Estimated Carriage Losses were 41,251; Adjusted Diversion 188,785; Diversion vs. Order was -1.2%; Total Spill was 6,678, % of Diversion Spilled was 2.9%, Charged to Farmers, 124,097; and Delivery efficiency, 65.7%.

Hydrology
Report

Mr. Narvaez reported that 56,000 ac/ft would take us to the second week of October. 86% efficiency on Leasburg – good job

Mr. Narvaez gave a report on flat rate weekend audit. This investigation proved 6 inches per irrigation is not an over estimate for the type of conditions found in the investigation. His analysis showed anywhere from 4 to 22 inches per ac/ft were being used. He suggested a full flat rate investigation program be set up for next year to continue the investigation and determine who has paid and who has not and do a subdivision audit to find unpaid flat rat accounts who are still irrigating.

Discussion on the end of the 2007 irrigation season was set for on October 12th. Friday will be the last order date ending at noon. There was no recommendation to increase the allocation at this time since the increase was only a minor adjustment.

Ending date - 2007
Irrigation season

Renewal of the joint funding agreement with the USGS for Water Resources Investigations was discussed. This is a renewal of a contract entitled "Monitoring Network of the Ground-Water Flow System and Stream Aquifer Relations in the Mesilla Basin, Dona Ana County, New Mexico and El Paso County, Texas". EBID's cost to participate is \$22,000. Jerry Franzoy motioned and Bill Gary seconded to continue to participate in the monitoring program. Motion carried.

USGS Monitoring
Program

Tom Hansen, HR Manager, gave the Employee Advisory Committee (EAC) report. Mr. Hansen informed the Board that the next meeting of the EAC would be October 28th. Mr. Hansen also reported that the Safety Council of New Mexico will be giving a training class to District staff and Middle management at EBID's offices. Uniforms for Maintenance Support will be discussed at the EAC meeting on October 28th.

EAC Report

Gail Norvell, Controller, presented the Financial Fact Sheet for the month of August, 2007. The fact sheet is as follows: Cash in the bank totaled \$99,008; assessments receivable totaled \$282,010; and investments totaled \$3,999,438 for a grand total of \$4,380,456. This amount reflects an increase in assets of \$1,135,469 over August, 2006. Extraordinary costs were: Legal Fees, \$27,729. Extraordinary receipts were: Special use fees \$7,195. Conserved water sold year to date was \$442,098 as compared to \$65,297 in 2006.

Financial Report

Also presented was the financial statement for the month of July, 2007.

Ms. Norvell presented two professional services contracts for approval. The professional electrical engineering services contract is to Control Design Inc. which provides engineering consultant services to support RTU equipment.

Professional
Services Contract
Renewals

The I.T. Consultant services contract is to Ron Mears. This is a new contract which changes the rate and contract term for support services for computer programming services.

Robert Faubion motioned and Bill Gary seconded to approve both contracts. Motion carried.

Valerie Beversdorf, Computer Resources/GIS Director gave an update for the computer department. The Board questioned whether or not they would soon be able to order water on line through Farmers' Services Plan on the webpage. Ms. Beversdorf said this was being considered. The District's disaster recovery plan is an important tool. Valerie and Randy Smith are working together to update the disaster recovery plan. Ron Mears and Valerie are working together to develop a comprehensive software systems configuration manual.

Computer
Department Report

Steve Hernandez gave the Legal Update. He discussed the following:

Legal Update

Data Sharing with the OSE is an ongoing battle. Mr. Hernandez suggested a meeting with the OSE to set up a data sharing plan. A meeting to further discuss this matter will be set up by staff.

Tortugas Dam Lease – EBID has 150 acres available for leasing in the Tortugas Dam area. We have been approached by several developers to lease the land. The next step is to develop a RFP to plan how the area should be developed. Staff, along with legal counsel, will talk to the developers and bring actual design and plan to Board. 49-50 acres above the high water mark can be developed. The rest of the land is in the dam flood easement and can be used for nature trails or a golf course.

The matter of the Wilderness Designation was discussed. Gary Esslinger had a meeting with Representative Jeff Steinborn and Nathan Small regarding EBID's concerns with the designation of areas around EBID's boundaries. EBID's concerns are as follows:

1. We will be able to maintain vehicular access to the top of the Robledo Mountains where we have a radio tower used in our data telemetry system.
2. We will be able to place weather stations in the wilderness areas for our early warning/flood monitoring program. We will place them within a workable distance from existing roads.
3. The "cherry stem" road that nearly bisects the Organ Mountain area will be extended all the way through, providing access to the upper watersheds whose access would otherwise be cut off.
4. The wilderness areas above all flood control dams will be bounded around the flood pool at a contour elevation at least five feet above the top of dam to allow maintenance activities on the dam and flood pool.

On discussion with Board members, EBID will neither oppose nor agree to wilderness designations. At this time until they see proposed draft legislation with language they want included. This discussion was tabled.

A motion to break for lunch was made by Tom Simpson, seconded by Robert Faubion. Motion carried. Following lunch, a motion to reconvene was made by Bill Gary, seconded by Robert Faubion. Motion carried.

Lunch Break

Gary Esslinger gave the Manager's update for the month of September, 2007. Topics discussed include:

Manager's Update

- NMED Joint Funding Grant, 100,000 – Gary reported that NMED had granted \$100,000 to EBID to fund a drain storage project under their grant proposal. The project that the district will undertake will probably be in the Seldon Drain in the Leasburg area.
- Regional Forum on Climate Change and Water to be held September 17th. Gary reported that he would be attending the Public Forum on climate change and water. The invitation came from Senators Domenici and Bingaman.
- Western Governors Association conference to be held October 10-12 in Utah. LRGWUO – Gary asked that the Board of Directors to allow him to attend the Western Governors' Association Conference in Salt Lake City, Utah on October 10-12 on Climate change. Bill Gary motioned and Jerry Franzoy seconded to send Gary Esslinger to the conference. Motion carried.

Bill Gary motioned and Tom Simpson seconded to go into closed session to discuss legal matters. Motion carried. Pursuant to Section 10-15-1-h, NMSA of the New Mexico Open Meetings Act, the following topics shall be discussed in closed session:

Closed/
Open Session

- * State ex rel. D'Antonio vs. EBID (Stream Adjudication)
- * AWRM – LRG Basin Specific Regulations Dispute
 - Appeal from Judge Reynolds' Decision

- * EBID vs. United States BOR: (U.S.Dist.Ct.NM) No. CIV 00-1309.
- * EBID vs. United States BOR and N.M. St. Parks (U.S.Dist.Ct.NM) No. CIV 90-95
- * EP#1 vs. EBID and BOR (U.S. Dist.Ct.Texas) No. CIV EP 07CA0027
 - Operating Agreement Negotiations
 - D3 Curve Implementation
- * Qwest vs. EBID, 07-CIV-163, LRR 266
- * Crecencio Cardona vs. EBID; DO21-CV2007-119
- * Victor Sanchez vs. EBID; Notice of Tort Claim

Jerry Franzoy motioned and Bill Gary seconded to return to open session. Motion carried by roll call vote with all members present agreeing to the motion to return to open session. During closed session the above-noted topics were discussed.

Following closed session, Tom Simpson motioned and Bill Gary seconded to authorize counsel to direct a refund in the amount of \$28,446.47 to Qwest. Motion carried.

There being no further business, Jerry Franzoy motioned and Willie Koenig seconded to adjourn the meeting. Motion carried.

Adjourn

JAMES SALOPEK, President

BOBBY SLOAN, Secretary