

**ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING  
August 9, 2006**

<p>The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, August 9, 2006. The meeting was called to order by President James Salopek on a motion by Tom Simpson, seconded by Bill Gary. Motion carried. Robert Faubion and Willie Koenig were absent.</p> <p>EBID Staff present were Henry Magallanez, Engineer; Gail Norvell, Controller; EAC Co-Chairs Tom Hansen, Human Resources Director and Linda Armijo, Accounting Assistant; and James Narvaez, Hydrology Director.</p> <p>Also present were Steve Hubert, Steve Hernandez, Lee Peters and Josh Myer, Hubert &amp; Hernandez, P.A.; Phil King, Engineering Consultant; Rasool Ahadi, OSE; Dennis Page, Charles Solie and Richard Llanez, EBID Constituents; Casey and Nichole McGuire, EBID Employee and daughter; and Marvin Tessneer, Las Cruces Bulletin.</p>	<p>Roll Call</p>												
<p>Joe Nelson motioned and Bill Gary seconded to approve the minutes of the July 12, 2006 Board meeting as presented. Motion carried.</p> <p>Tom Simpson motioned and Joe Nelson seconded to approve the minutes of the July 9, 2006 Water Transfer Hearing. Motion carried.</p> <p>Later in the meeting an error was found in a portion of the minutes pertaining to Tri Car LLC. On motion by Bill Gary, seconded by Robert Sloan, the minutes were corrected to read that the District was not protesting Tri-Car's request for change for purpose for use of well.</p>	<p>Minutes Approval</p>												
<p>The water supply outlook was presented. The storage totals on July 1, 2006 with a comparison for last year are as follows:</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;"><u>8/01/2005</u></th> <th style="text-align: center;"><u>8/01/2006</u></th> </tr> </thead> <tbody> <tr> <td>Elephant Butte</td> <td style="text-align: center;">466,800</td> <td style="text-align: center;">188,968</td> </tr> <tr> <td>Caballo</td> <td style="text-align: center;"><u>34,790</u></td> <td style="text-align: center;"><u>45,477</u></td> </tr> <tr> <td></td> <td style="text-align: center;">501,590</td> <td style="text-align: center;">234,445</td> </tr> </tbody> </table>		<u>8/01/2005</u>	<u>8/01/2006</u>	Elephant Butte	466,800	188,968	Caballo	<u>34,790</u>	<u>45,477</u>		501,590	234,445	<p>Water Supply</p>
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<p>Items on the calendar were discussed. Dates include: A visit from Domenici Staffers on Friday, August 18; A MAC Meeting in Las Cruces on August 25/ and a BOR managing for excellence workshop in Salt Lake City, Utah September 19<sup>th</sup> and 20<sup>th</sup>. The next meeting of the Board will be September 13, 2006.</p>	<p>Calendar</p>												
<p>The Manager reported that the water situation was improving with the inflow from heavy rains in our watershed. The heavy rains on Tuesday, August 1 caused major flooding in El Paso and the gates were closed at Elephant Butte and Caballo to alleviate flood waters in the south. Rains persisted and the District was shut down for a week and reopened on August 7<sup>th</sup>. Orders were still light. Arroyas were flowing into the Butte, Caballo and Percha.</p>	<p>Water Supply Outlook</p>												
<p>Nicole McGuire, daughter of Casey McGuire, HE II Operator in the northern area, was at the meeting to show her science fair project on water conservation in irrigation. Nicole proved that lining ditches does conserve water. She was presented with a certificate and named an ex-officio employee of the District. Nicole is a 5<sup>th</sup> grader in Arrey, New Mexico.</p>	<p>Water Conservation Presentation</p>												
<p>Henry Magallanez, Engineering Supervisor, discussed a special use permit (06-L-046 below) for Alaska Native Broadband LLC to operate and maintain an existing crossing on the Leasburg Drain at approximate station 76+00 for access to a new proposed cellular tower behind RTD Hardware on North Valley Drive. Bill Gary motioned and Joe Nelson seconded to deny the permit. Motion carried. The purpose for denying the permit was that Alaskan Native has other access to this site and did</p>	<p>SUP 06-L-046 Discussion</p>												

not need to use EBID ROW as their access. Additionally, EBID ROW in that area is used for storage of equipment and stock pile of materials for EBID canal maintenance.

Henry Magallanez, presented the special use permits.

Special Use  
Permits

1. 06-L-044 – Roman Garcia: To operate and maintain an existing vehicle crossing on the Lower Chamberino Lateral at approximate station 216+31. Assessment, \$1,106.46. Request to waive all fees.
2. 06-L-046 – Alaska Native Broadband LLC; To operate and maintain an existing crossing on the Leasburg Drain at approximate station 76+00 for access to a new proposed cellular tower behind RTD Hardware on North Valley Drive. Assessment, \$1,656.20. Permit denied as above.
3. 06-L-047 – Rio Grande Natural Gas; To construct, operate and maintain a new 2" poly gas line in a 4" steel casing crossing the San Miguel Lateral at approximate station 128+92. Assessment, \$2,941.58. Under blanket Agreement.
4. 06-L-048 – El Paso Electric Co.; To construct, operate and maintain a new aerial electric power line crossing the Three Saints Lateral at approximate station 793+80 for an irrigation well belonging to Salopek Farms. Assessment, \$3,320.73 Request to waive all fees.
5. 06-L-049 – Blue Horse Development/Bill Cupit; To construct the installation and placement of a new 12" C900 water line pipe crossing the Mesilla Lateral at approximate station 71+00. Assessment, 843.54.
6. 06-L-050 – Blue Horse Development/Bill Cupit; To construct the installation and placement of a new 12" C900 water line pipe paralleling the Mesilla Drain for approximately 6000 linear feet from approximate station 539+60 to approximate station 479+60. Assessment, \$9,510.54.
7. 06-L-051 – Qwest Communication: to construct, operate and maintain a new buried telephone cable line crossing the Alamo Drain at approximate station 102+92. Assessment, \$5,785.22.
8. 06-L-052 – Qwest Communication: to construct, operate and maintain a new buried telephone cable line crossing the Del Rio Drain at approximate station 816+87. Assessment, \$5,785.22.
9. 06-L-053 – Qwest Communication: to construct, operate and maintain a new buried telephone fiber cable line crossing the Mesilla Drain at approximate station 263+46. Assessment, \$5,406.07.
10. 06-L-054 – Qwest Communication: to construct, operate and maintain a new buried telephone fiber cable line crossing the Mesilla Lateral at approximate station 274+77. Assessment, \$2,941.58.
11. 06-L-055 – Qwest Communication: to construct, operate and maintain a new buried telephone cable line crossing the Picacho Lateral at approximate station 507+00. Assessment, \$2,372.85.
12. 06-L-056 – Qwest Communication: to construct, operate and maintain a new buried telephone cable line paralleling the Garfield Canal from approximate station 356+00 to approximate station 371+00 for approximately 1500 feet. Assessment, \$29,103.06.
13. 06-L-057 – Qwest Communication: to construct, operate and maintain a new buried telephone fiber cable line crossing the Dona Ana Arroyo Channel below the Dona Ana Lateral. Assessment, \$5,974.79.

14. 06-L-058 – Qwest Communication: to construct, operate and maintain a new buried telephone fiber cable line crossing the Dona Ana Arroyo Channel at Dona Ana Road. Assessment, \$5,974.79.
15. 06-L-059 – Qwest Communication: to construct, operate and maintain a new buried telephone fiber cable line crossing the Dona Ana Drain at approximate station 285+00. Assessment, \$5,595.64.
16. 06-L-060 – Qwest Communication: to construct, operate and maintain a new buried telephone fiber cable line crossing the Dona Ana Lateral at approximate station 239+33. Assessment, \$3,320.73.
17. 06-L-061 – Qwest Communication: to construct, operate and maintain a new buried telephone cable line crossing the Gonzales Lateral at approximate station 46+24. Assessment, \$2,183.27.
18. 06-L-062 – Qwest Communication: to construct, operate and maintain a new buried telephone fiber cable line crossing the Barrio Lateral at approximate station 25+79. Assessment, \$2,562.43.
19. 06-L-045 – Dona Ana County: to construct, operate and maintain a new vehicle culvert crossing and storm water discharge on the Anthony Lateral and maintain a portion of the left bank for use of a public roadway paralleling the Anthony Lateral for approximately 1,428 feet at various stations. Assessment, \$7,783.25.

Total assessments for all permits: \$104,167.95

Total fees requested to be waived: \$ 7,368.77

\$ 96,799.18

Following presentation of the permits, Jerry Franzoy motioned and Bill Gary seconded to approve permits 1, 3, 4, 5, 6 and 7. Fees will be waived on 1 and 4. Motion carried.

Bill Gary motioned and Joe Nelson seconded to approve permit numbers 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18 and 19 as presented and with fees paid. Motion carried. Permit #12 was tabled.

James Narvaez gave the Hydrology report for the month of July, 2006. The report is as follows: Orders totaled 165,828; Actual Diversion was 165,289; Using -99 AC/FT; Estimated Carriage Losses were 29,769; Adjusted Diversion 135,520; Diversion vs. Order was 0.1%; Total Spill was 5,183, % of Diversion Spilled was 3.1%, Charged to Farmers, 69,375; and Delivery efficiency, 42.0%.

Hydrology  
Report

James Narvaez also gave the Operations report for the month of July, 2006 as follows: Farm Deliveries, 1,964; Acres Irrigated, 37,711; AC/FT Charged to Farmers, 13,358; Actual Total Diversion, 32,912,934; Allotment Balance, 44,815; Breaks, 1; Run over, 0; 2006 Diversion Efficiency 41% as compared to 2005 at 49%. There was one break in July on the Brazito River Lateral, which broke onto the Paul Koenig Alfalfa field farmed by Isaac Dominguez. 6-7 acres were flooded of freshly cut alfalfa hay. There was no claim for damages. Total number of breaks to date in the 2006 irrigation season is 7.

Operations  
Reports

The ending date for the 2006 irrigation season was discussed. As a result of excess rain in the area, Tom Simpson motioned to extend the last water order date to September 1<sup>st</sup> with September 8<sup>th</sup> being the end of the season. Jerry Franzoy seconded the motion. Motion carried. Farmers will use ready dates during the final weeks of the season. If rain events continue, the dates could be extended at management discretion. The notice to the farmers is attached.

End of  
Irrigation  
Season Dates  
Extended

Linda Armijo and Tom Hansen gave the Employee Advisory Committee (EAC) update. The report from the EAC meeting held July 19<sup>th</sup> was presented.

EAC Report

Gary Esslinger gave the manager's report. Items discussed include:

Managers Update

A Memorandum of Understanding between the US Section of the IBWC and EBID for safe harbor investigations and other environmental studies was presented for board signature. The This MOU has to do with protection of EBID surface water through a safe harbor agreement.

Safe Harbor Agreement

Steve Hernandez updated the board on the Bureau of Reclamations Managing for Excellence meeting that was held in Utah in July. Mr. Hernandez mentioned that many irrigation districts attending would like the BOR to do a better job of developing a budget that the public can understand. Security of dams was also a big topic. The next meeting will be in Salt Lake City. Bill Gary motioned and Robert Sloan seconded to send Gary Esslinger and Steve Hernandez to this meeting.

Managing for Excellence meeting in Utah

The Manager discussed an invitation to attend a tour of the Delicias Irrigation District in Mexico September 27-28. Robert Sloan motioned and Jerry Franzoy seconded to send Gary on this tour. Motion carried.

Delicias Mexico ID Tour

Gail Norvell, Controller, presented the financial fact sheet for the month of July, 2006. The fact sheet is as follows: Cash in the bank totaled \$194,263; assessments receivable totaled \$296,645; and investments totaled \$3,290,910 for a grand total of \$3,781,818. This figure reflects an increase in assets of \$576,329 over July of 2005. Special use fees collected were \$10,204. Conserved water sales year to date is \$54,408 as compared to \$99,268 in July of 2005.

Financial Report

Also presented were the financial statements for June, 2006.

The contract for professional legal services was discussed and Ms. Norvell recommended awarding the contract to Hubert and Hernandez, PA. Jerry Franzoy so moved and Robert Sloan seconded the motion. Motion carried.

Professional Legal Services Contract Award

Robert Sloan motioned and Bill Gary 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

Threat of Texas/NM Supreme Court Action; LRG Stream Adjudication Case, AWRM; Metering Order; EBID vs. United States, Operating Agreement, Amended Complaint; EBID vs. BOR No. CIV 90-95-HB, Mediation w/State Parks – Subsection I Credits; Anderson vs. EBID, Dona Ana Dam, Fillmore Dam; SHPO MOU (tabled); and Telecommunication Act and Qwest Fees Dispute.

Bill Gary motioned and Joe Nelson 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.

There being no further business, Bill Gary motioned and Tom Simpson seconded to adjourn the meeting. Motion carried.

Adjourn

The next meeting of the Board will be held on Wednesday, September 13, 2006

Next Meeting

## Elephant Butte Irrigation District

### 2006 – FINAL WATER ORDER DATE ALERT

August 9, 2006

At the regular meeting of the EBID Board of Directors held on August 9, 2006, an extension of the final water order date was discussed.

The last water order date is now extended for the 2006 irrigation season **for September 1, 2006** at 12:00 noon. EBID water released for delivery will be based on the “ready date” provided by the farmer. Orders will be based on staggered releases.

The “**ready date**” for orders placed shall be no later than September 8, 2006. Releases for water will be made according to the “ready date” order demand.

This final water order date is based on the water remaining in the District’s allocation as of the date of the meeting. The last water order date could additionally be extended if the current weather pattern remains in place for a longer period of time.

Due to the short supply of water, conserved water is not available for purchase, as originally indicated. Water must be transferred or purchased from other EBID constituents accounts.