

**ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING  
January 10, 2007**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, January 10, 2007. The meeting was called to order by President James Salopek on a motion by Willie Koenig, seconded by Jerry Franzoy. Motion carried. All board members are present.

EBID Staff present were Henry Magallanez, Engineer; Gail Norvell, Controller; Valerie Beversdorf, Computer Resources/GIS Manager; Richard Bejarano, Water Master; James Narvaez, Hydrology Director; and EAC Co-Chairs Tom Hansen, Human Resources Director and Linda Armijo, Accounting Assistant.

Also present were Steve Hernandez and Lee Peters, Hubert & Hernandez, P.A; Dr. Phil King, Water Quantity Consultant; Dr. Fernando Cadena, Water Quality Consultant; Richard Llanez, EBID Constituent; Diana Alba, Las Cruces Sun News; Erik Fuchs, Office of the State Engineer; Bert Cortez, Connie Rupp and Rick Arndt, Bureau of Reclamation; and Les Owen, Bud Starnes, Julie Maitland and Hilary Brinegar, NM Dept of Ag.

Willie Koenig motioned and Robert Faubion seconded to approve the minutes of the December 13, 2006 Board meeting as presented. Motion carried.

Robert Faubion motioned and Joe Nelson seconded to approve the minutes of the Transfer and Suspension hearing, 2006 S&T12, held December 13, 2006. Motion carried.

The water supply outlook was presented. The storage totals on December 1, 2006 with a comparison for last year are as follows:

	<u>1/01/2006</u>	<u>1/01/2007</u>
Elephant Butte	193,240	514,059
Caballo	<u>23,390</u>	<u>43,137</u>
	216,630	557,166

As of the date of the meeting, the initial allocation represented 36% of a full irrigation season supply for the entire Rio Grande Project.

Items on the calendar were discussed. Dates include: A meeting with OSE to be held on January 15<sup>th</sup> in Albuquerque; Water Dialog Group Conference in Albuquerque on the 12<sup>th</sup> of January; a meeting of the LRGWUO Technical Committee on the 18<sup>th</sup> of January; a meeting put on by the Sheriff's Department for the Mesilla Dam Residents on January 18<sup>th</sup>; the Law of the Rio Grande Conference in Santa Fe, NM on February 1<sup>st</sup> and 2<sup>nd</sup>.

The NM legislature will begin on January 17, 2007. The next meeting of the Board of Directors will be on February 14, 2007.

Henry Magallanez, presented the special use permits.

Under Moratorium:

- 07-L-003 – Dona Ana County; to construct, operate and maintain a new buried 4 inch sewer force main in a 8 inch steel casing crossing the Rodey Lateral at approximate station 178+94. Assessment, \$2,941.58

Total Assessment: \$2,941.58

Non Moratorium:

- 07-L-001 – Clayton O. Wooten; to construct, operate and maintain a new vehicle crossing on the Mesilla Lateral, at approximate station 53+50. Assessment, \$1,106.46. Request to waive admin fee, \$666.67 – Farm use.
- 07-L-002 – Paul J. Pompeo/Rancho de coyote; to construct, operate and maintain a new vehicle crossing on the Mesilla Lateral at approximate station

Roll Call

Minutes Approval

Water Supply

Calendar

Special Use Permits

59+00. Assessment, \$1,106.46. Request to waive admin fee, \$666.67 – Farm use.

Total assessments all permits: \$5,154.50

Total Fees requested to be waived: \$1,333.34

Total Fees payable: \$3,821.16

Mr. Magallanez recommended approval of all permits as presented. Willie Koenig motioned and Robert Faubion seconded to approve the permits with fees waived on 07-L-001 and 07-L-002. Motion carried.

Henry Magallanez reported on the progress of the 2006-07 maintenance season. He reported that construction should be done by the first of March. Burning will have to be done after that and prior to the start of the water season. We should be able to begin delivering water by the 15<sup>th</sup> of March.

Maintenance Update

FEMA project update – the District's purpose was to put the system back as it was prior to the flooding which started August 1, 2006. FEMA will reimburse the District for costs.

FEMA Update

Reimbursements totaling \$327,000 have been submitted to FEMA. estimated costs in the amount of \$1,294,000 have been submitted for 52 projects to be completed. The District has 18 months to complete the repairs.

Mr. Magallanez discussed the surface water treatment plant proposed by Dona Ana, Leasburg and Picacho Mutual Domestics. All of these users are surface water user associations but have no additional funding for surface water treatment plants. They are focusing more on waste water treatment than surface water treatment at this time. Dr. Fernando Cadena discussed up front money to build a surface water treatment plant and stated that the cost to put in surface water treatment plant would be \$200,000 to \$400,000. The staff asked for direction from the Board to respond to Leasburg and Dona Ana as this matter will take more discussion and maybe a site visit. Questions regarding the price for bulk water and liability were discussed. Robert Faubion said that he was interested in joining at some level in a way that affords us protection and compensation. There will be an executive committee meeting set up to meet with Dona Ana Mutual Domestic for further discussion.

Surface Water Treatment Plant Proposal

Gail Norvell, Controller, presented the Financial Fact Sheet for the month of December, 2006. The fact sheet is as follows: Cash in the bank totaled \$2,232,138; assessments receivable totaled \$3,702,169; and investments totaled \$2,236,711 for a grand total of \$8,171,018. This amount reflects an increase in assets of \$1,039,061 over December, 2005.

Financial Report

Extraordinary costs were: Energy and Water Act Reimbursement Request Proceeds, \$939,840.

Extraordinary receipts were: Special use fees \$9,036

Gary Esslinger gave an update for the month of December, 2006. Topics discussed include:

Managers Update

The FFA Annual Conference to be held in Las Vegas, Nevada. James, Gary and Steve Hernandez to attend. Robert Faubion motioned to send James Salopek, Gary Esslinger and Steve Hernandez to the conference. Joe Nelson seconded. Motion carried.

FFA Conference

The District-owned land near Tortugas Dam was discussed. Mr. Peters has done research on the District's ability to sell or lease this land. It was decided to call an executive committee meeting with attorneys and someone from land office to review this process.

Tortugas Dam Land Sale

The Manager updated the board on the NWRA conference attended in December. Some of the priorities to be discussed at the NWRA leadership forum in March are as follows: Federal funding – 2025; Reloans and Grants; Aging infrastructure; Clean water act issues; Security costs; WRDA Act; appropriation to Corp of Engineers – a line item bill that can help revamp dams; and Climate Change.

NWRA  
Conference  
Report

The Law of the Rio Grande conference to be held February 1-2, 2007 in Santa Fe, NM was discussed. A motion was made by Joe Nelson to send James Salopek, Gary Esslinger and Robert Faubion to the conference. Robert Sloan seconded the motion. Motion carried.

Law of the Rio  
Grande  
Conference

The Rio Grande Compact Commission meeting was discussed. The meeting will be held in Alamosa, Colorado, March 22, 2007. Joe Nelson motioned to send James Salopek, Gary Esslinger, Phil King and either Steve Hernandez or Steve Hubert. Motion carried.

RGCC Annual  
Meeting

Tom Hansen and Linda Armijo gave the Employee Advisory Committee (EAC) update. The next meeting of the EAC Representatives will be January 18<sup>th</sup>. Meetings in the field will follow.

Employee  
Advisory  
Committee  
Update

Jerry Franzoy motioned and Robert Sloan seconded to go into closed session to discuss legal matters.

Jerry Franzoy motioned and Robert Sloan 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:

Open/Closed  
Session

Threat of Texas/NM Supreme Court Action; State ex rel. D'Antonio vs EBID (Stream Adjudication); Metering Order dispute; AWRM –LRG Basin Specific Regulations dispute; EBID vs. United States BOR, Operating Agreement/D-3 Curve and 1920 Act dispute; EBID vs. BOR No. CIV 90-95-HB, Mediation w/State Parks; Telecommunication Act and Qwest Fees Dispute; Notice of Intent to sue for flood damages; and SHIPO.

Ramon Alvarez motioned and Tom Simpson 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.

Bill Gary motioned and Joe Nelson seconded that the board break for lunch. Motion carried. Following lunch, Jerry Franzoy motioned and Willie Koenig seconded that the meeting be reconvened. Motion carried.

Lunch Break

Bert Cortez and Connie Rupp from the BOR met to discuss the D3 allocation procedure and the 50% split of 2006 carryover of project water unused by EB#1 and EBID. The board accepted the BOR D3 and carryover proposal even though they felt that Bert Cortez had not been upfront with the negotiations to this point. Robert Faubion motioned and Willie Koenig seconded to accept the proposal. Motion carried.

Jerry Franzoy motioned and Willie Koenig 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:

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Open Session

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Joe Nelson motioned and Jerry Franzoy 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.

The beginning of the 2007 irrigation season was discussed. The El Paso district plans to open on March 10<sup>th</sup>. Mr. Esslinger said that EBID is planning on starting March 15<sup>th</sup>. Robert Sloan suggested the 12<sup>th</sup> giving the maintenance department time to complete all work by March 10<sup>th</sup>. It was suggested to start taking orders around February 26 to test the need to open before March 10<sup>th</sup>. The Board agreed to tentatively open March 10<sup>th</sup> based on the supply and pending weather conditions. The water allotment for 2007 will be discussed at the February meeting after another month of snow pack data is available.

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

The next meeting of the Board will be held on Wednesday, February 14, 2007.

Water Allocation  
for 2007

Adjourn

Next Meeting

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JAMES SALOPEK, President

BOBBY SLOAN, Secretary