

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
August 21, 2007**

The Board of Directors of the Elephant Butte Irrigation District held a special meeting for the purpose of discussing various items as specified on the agenda for that meeting. The meeting was held on Wednesday, August 21, 2007. The meeting was called to order by President James Salopek on a motion by Joe Nelson, seconded by Bill Gary. Motion carried. Jerry Franzoy and Robert Faubion were absent.

Roll Call

EBID Staff present were Henry Magallanez, Engineering Supervisor; Gail Norvell, Controller; Richard Bejarano, Water Master; and James Narvaez, Hydrology Director.

Also present were Lee Peters, Hubert & Hernandez, P.A; Dr. Phil King, Water Quantity Consultant; David Goodnight and John Melendez, Qwest.

According to a message received from the Bureau of Reclamation prior to the meeting, the updated allocation for the Rio Grande Project for the end of July, 2007 was as follows: EBID, 301,738 AC/FT; EP#1, 382,436 AF/FT; Mexico, 57,432 AC/FT; for a total of 74,606 AC/FT (79.56% of a full supply). Last month's allocation was 695,158 AC/FT (74.60% of a full supply). The river efficiency now used to calculate EBID's allotment is 100.700786%. That is based on March – June Project data.

Water Supply

Henry Magallanez, Engineering Supervisor, discussed the District's Fee Schedule Policy. Staff recommended approval of policy changes. Willie Koenig so moved and Joe Nelson seconded the motion. Motion carried.

Fee Schedule Policy

David Goodnight and John Melendez were there representing Qwest. Mr. Goodnight said that the charges were unlawful under the Federal Tele-Communications Act and Qwest objects. The FTCC Act of 1996 allows utilities to use ROW without fees associated.

Qwest Response

Phil King discussed the current allocation which just went above 300,000 AC/FT. He reported that the District had used two-thirds of its allocation so far. Irrigating flat raters cost the District 3,000 AC/FT and two-thirds of this goes to the central area which equates to seven (7) inches over 3,700 acres on a flat rate weekend. Using 3,000 AC/FT in August leaves 7,000 AC/FT in September, targeting end of September for shut down. This being said, Joe Nelson motioned to give one more flat rate weekend in the 2007 irrigation season. Willie Koenig seconded the motion. Motion carried. Flat raters in the central area will water August 25-26. Flat Raters in the North and South will irrigate September 8-9.

Flat Rate Discussion

Board members asked Gail Norvell to discuss their problems with placing orders. The problem arises when they have exceeded their original 2 AC/FT. Board members said that they were continuing to have a hard time and miscommunication with the water records clerks. Staff will fix a computer glitch to correct the problem. Tom Simpson complimented the dispatchers. He said that they were extremely pleasant placing an orders and his experience has been very pleasant this year.

Water Order Discussion

Bill Gary 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:

Closed/
Open Session

- Threat of Texas/NM Supreme Court Action on Rio Grande
- State ex rel. D'Antonio vs EBID (Stream Adjudication)
- AWRM –LRG Basin Specific Regulations Dispute
 1. Meeting with NMSU Board of Regents
- EBID vs. United States BOR (U.S.Dist.Ct.NM) No. CIV 00-1309
 1. Operating Agreement/D-3 Curve
 2. 1920 Act Dispute
- EBID vs. US BOR and NM State 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
- Qwest vs. EBID, 07-CIV-163, LRR 266

Bill Gary 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.

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

Adjourn