

**ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING  
September 14, 2011**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, September 14, 2011. The meeting was called to order by President James Salopek on a motion by Robert Sloan, seconded by Ramon Alvarez. Motion carried. Members absent were Joe Nelson, Jerry Franzoy and Tom Simpson.

Roll Call

EBID personnel present were Henry Magallanez, Engineering Supervisor, Zachery Libbin, Junior Engineer; Chuy Morales, Engineer Tech; Gail Norvell, Controller; Valerie Beversdorf, CR/GIS Director; Leo Barrett, Maintenance Project Director; James Narvaez, Hydrology Director; Richard Bejarano, Watermaster; Roman Ramos, Assistant Watermaster; Delyce Maciel, HR/Safety Director; Naomi Ontiveros Executive Secretary.

Also present were Samantha Barncastle and Steve Hernandez, Law Office of Steven L. Hernandez; Lee Peters; Peters Law Firm; Dr. Phil King, Hydrology Consultant; Eric Fuchs, NMOSE; Sammy Singh, EBID Constituent; Erik Ness, Media Consultant; Ralph Richards, JOBE Materials L.P; Everett Allison, Cathy Mathews, CLC; Debbi Lujan, Town of Mesilla; Gregg Daviet; Julie Maitland, NM Dept. Agriculture; Diana Alba, Las Cruces Sun-News.

Robert Faubion moved and Robert Sloan seconded to accept the minutes of the August 10, 2011 meeting. Motion carried.

Minutes Approval

The calendar was discussed. Gary Esslinger advised the Board there will be a Leadership Las Cruces Ag Day September 16, 2011. Gary added he will be presenting information on the District. This will be with a group of young business men and women. The ASCE Fall conference will be held at the Elephant Butte Dam on September 22<sup>nd</sup> and 23<sup>rd</sup>. They will be celebrating their 100<sup>th</sup> year and will be rededicating the monument. On October 6<sup>th</sup> there will be an Agricultural Conservation Forum to discuss conservation easements.

Calendar of Events

**License List for Special-Use-Permits for September 14, 2011 Board Meeting  
Non-Moratorium**

Special Use Permits

Licensee	Assessment	Fees Requested to be Waived
<b>2011-L-080 Annette Provencio Brookes</b>		
To operate, and maintain two harvest gates on the right bank of the Anthony Drain at apprx Sta# 207+50 and 222+50	\$3,166.67	Farm use \$3,166.67  Requested Waived
<b>2011-L-082 El Paso Electric</b>		
To replace, operate, and maintain a three phase overhead utility crossing the Anthony Drain at apprx Sta# 370+75 and Three Saints Lateral at apprx Sta# 113+00	\$6,333.33	
<b>2011-L-083 Qwest Corp</b>		
To construct, operate, and maintain a service drop from the Mayfield Lateral at Sta# 25+28	\$50.00	
<b>2011-L-084 Qwest Corp</b>		
To construct, operate, and maintain a buried utilities conduit crossing the Las Cruces Lateral at	\$1,450.03	

approximatetly Sta# 66+50

**2011-L-085 Qwest Corp**

To construct, operate, and maintain a buried utilities conduit crossing the Dona Ana Drain at approximatetly Sta# 49+00 \$1,570.06

**2011-L-087 EI Paso Electric**

To upgrade, operate, and maintain three overhead utility crossings of the S-2 Lateral at approximately Sta# 5+00, Sta# 10+00, and Sta# 15+00 \$8,750.00

**2011-L-088 Desiderio Alvarez**

To permit parrallel use for vehicle access using the Garfield Drain from approx. Sta#295+00 thru 315+00 \$1,596.07

**2011-L-089 EI Paso Electric**

To construct, operate, and maintain an overhead utility crossing the Little La Union Lateral at Sta# 130+75 and 131+00	\$5,833.33	Farm use \$5,833.33
		Requested Waived

Subtotal	\$32,166.16	\$9,000.00
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**Total Assessments \$23,166.16**

License List for Special-Use-Permits for Septmeber 14, 2011 Board Meeting  
 Moratorium

Licensee	Assessment	Fees Requested to be Waived
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**2011-L-021 Town of Mesilla**

To construct operate and maintain landscaping, micro-irrigation, and trail on the Laguna Lateral Sta# 0+00 thru 14+30	\$6,793.69	\$6,793.69 Requested Waived
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Subtotal	\$6,793.69	\$6,793.69
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**Total Assessments \$0.00**

Zachary Libbin presented to the Board the Special Use Permits for the month of September. Robert Faubion moved and Ramon Alvarez seconded the motion to accept the Special Use Permits. Motion carried.

Henry advised the Board Policy 1997-ENG 10 Relinquishment of EBID Property Interest is still being worked on and will be available for approval at the October Board meeting.

Henry gave an update on the Porter Lateral Deed exchange with Mr. Vescovo. A request for an appraisal has been sent and at this time nothing has been reported on the exact appraisal amount.

Policy Review

Porter Lateral Deed

Henry Magallanez presented the Board with a request from Ralph Richards with JOBE Materials, L.P.; to lease some of the property available in the Dona Ana North Flood Control Dam area. The property was deeded to the District through a court order and JOBE would like to put in a concrete batch plant on the property. Henry added that the District is asking JOBE to investigate using the sediment in the area as fill material in order to facilitate more flood space behind the dam. JOBE indicated that zoning may be an issue and getting permits through Dona Ana County may be problematic. Henry introduced Mr. Richards, attorney with JOBE. Mr. Richards advised the Board they are looking to lease about three acres of the flood dam property. Del Rey Blvd would serve as the access road and reiterates that zoning may be an issue, but he hasn't looked further into the details. He adds that they have not done any sampling of the area to see if the sediment material is usable for concrete. Mr. Richards explained they are willing to factor into the lease agreement on moving the sediment from the property. He expressed there is still a lot of work to be done but wanted to come before the Board and see if there was interest in leasing the property before going any further. Gary Esslinger added that it would be a huge benefit to the District with the removal of the sediment from this particular flood control dam which helps with the storm water run off. Robert Faubion moved and Scot Adams seconded to authorize staff and legal to proceed forward with a possible agreement with JOBE.

JOBE

Leo Barrett gave the maintenance update. He advised the Board that the Rotary Mulcher has arrived and he will be installed on the large excavator. The Mulcher is expected to be used first in the waste ways and then moved to drains. Leo indicated that crews were reusing concrete from old areas and are working to beef up areas around culverts and check structures. Leo advised the Board that Roman Ramos, Assistant Watermaster South, has been handling the crew down south and has been doing an excellent job.

Maintenance  
Department  
Update

Richard Bejarano gave the Operations update. Richard advised the Board that Roman Ramos has been overseeing the final steps over water delivery for EP#1 in the system for the south area. EP #1's final shut off date was September 10<sup>th</sup>. Richard introduced Roman Ramos. Roman advised the board that deliveries for EP#1 ran from July 5<sup>th</sup> until September 2<sup>nd</sup> utilizing the Westside Canal; La Union West, Baker lateral, Zack lateral, Combination lateral and Stevens lateral. On a daily average 200 cfs were diverted. No ditch breaks occurred; although there were a total of eight water theft attempts that were addressed. There were nine flatrate weekends and 500 acres that were delivered to.

Operations/  
Hydrology  
Report

Richard presented to the board Policy 81-OP3 Drain Wash-in Policy for amendment. Robert Faubion moved and Scott Adams second to amend Policy 81-OP3. Motion carried.

Dr. Phil King advised the Board that Elephant Butte Dam is at 4,310.35 elevation and Caballo is at 4,128.78 elevation. There is very little inflow coming into the lake. The drought looks to continue for the several months until the early part of the snow season in November. Dr. King believes it looks to be another rough year. The monsoon did not materialize as expected this season and an early snowpack is not looking good. He advised the Board to plan for continued drought.

James Narvaez gave the Hydrology update. He advised the Board EP #1 shut down September 10<sup>th</sup> and Mesilla Dam was shutdown the 13<sup>th</sup>. Leasburg will be shut down after it gets cleaned out. The water will be put in the EBID system and put to use for the farmers until the water runs out. There will be a meeting held on September 15<sup>th</sup> to discuss a plan of diversion and establish an EBID crew for running the water. James suggested that it would work better for constituents to place orders so it can be conducted in an orderly manner since the water available won't last long. Gary Esslinger suggested that a statement on the Districts website be posted letting constituents know what is expected. Dr. King adds that it will be used like storm water so constituents need to take it when available and if they need it.

Valerie Beversdorf advised the Board LRR 323, ROW and Easement Policy which included several policies in one is still being worked on and will be available for review and approval at the next Board meeting along with another policy for approval.

Policy  
Amendment

Valerie Beversdorf gave CR/GIS update. She advised the Board she is currently working on the IT

CR/GIS  
Report

budget and Board policies that would be brought up for review. She advised the Board an IT consultant will be assisting John for a week for the new software implementation.

Storm Water Coalition

Valerie discussed the Storm Water Coalition. The meeting was held on the August 15<sup>th</sup> and it was decided to proceed forward with the members that have signed the JPA. Those that did not agree and did not sign will still be attending meetings. At the next meeting, discussion on who will be board members is expected to take place.

Vision 2040

Valerie also discussed Vision 2040. It continues to move forward and has been taken to the City and County for approval.

Delyce Maciel gave the HR/Safety update. The current employee count is 88 including one temporary employee in maintenance that is expected to terminate next month; which will bring the total to 87. The EAC next meeting is scheduled for Monday September 19<sup>th</sup> at 8am. Safety is continuing monthly along with tailgate meetings. The NM DOT training academy is offering training on heavy equipment and a CDL prep class that can be done on-site at no cost.

HR/ Safety Report

Gail Norvell presented to the Board the financial reports for the Month of August 2011. Cash in the bank is \$356,462, assessments receivable is \$504,951 and investments \$4,444,028 for a total increase of \$1,021,123 over August 2010. Grant projects are on going.

Controller Report  
Financial Fact Sheet

Gail presented to the Board Resolution 2011-15 regarding Diez Lagos Grant. Gail advised the Board this is one of several documents that need review and approval to complete the Diez Lagos grant process. Lee Peters advised the Board he approves of the document and it is a fair loan agreement. It will be a \$650,000 grant with a loan of \$65,000. Robert Faubion moved and Robert Sloan seconded to approve Resolution 2011-15 and authorize board officers to sign the Water Project Fund Loan/Grant Agreement and the General and No Litigation certificate. Motion carried.

Resolution 2011-15

Gail presented to the Board Resolution 2011-16 budget Adoption Fiscal Year November 01, 2011 to October 31, 2012. Willie Koenig moved and Robert Sloan seconded to approve the budget and Resolution 2011-16. Motion carried.

Resolution 2011-16

Gary advised the Board of the NWRA 80<sup>th</sup> Annual Conference to be held November 16-18<sup>th</sup> in Tucson, Arizona. Gary asked Board approval to send Steve Hernandez, James Salopek and himself. Robert Faubion moved and Scott Adams second to send all three to the NWRA 80<sup>th</sup> annual conference. Motion carried. On October 6, 2011 there will be an Agricultural Land Conservation Forum at the NM Farm and Ranch Heritage Museum. They will be discussing water conservation and it will be free of cost.

Managers Update

Steve Hernandez and Samantha Barncastle reported on legal matters.

Legal Update

- LRR 302 – City of El Paso/Montoya Drain. Open- SAH
- LRR 303 – Hatch Easements. Open -SRB
- LRR 323 - Policies, Relinquish of Easement and Excess of Real Property. Open-SRB
- LRR 342- Protest to DAC and Verde Reality Water Rights Apps, Reopen-LEP
- LRR 345 – Lack/EBID Land Exchange and Flow Easement. Open-LEP
- LRR 351 - Request to realign ROW boundaries, Stahmann. Open-SAH
- LRR 359 – LRG MD Surface Water Treatment Facility Proposed Plan. Open-BJS
- LRR 365 - Assessment Roll Reconciliation. Open-SRB
- LRR 367 – Sierra County Communication Tower on Caballo Mountain MOA. Open-LEP
- LRR 379- Grey Fox Subdivision Special Use Permit- Open-SRB
- LRR 381- Federal Screening thru the BOR- Open

LRR Report

Willie Koenig moved and Robert Sloan seconded to break for lunch. Motion carried. Following lunch, Willie Koenig moved and Ramon Alvarez seconded to reconvene the meeting. Motion carried.

Lunch Break

Ramon Alvarez moved and Robert Faubion 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:

State ex. rel. D'Antonio vs. EBID CV 96-888 (Stream Adj.)

- SSI 101-CIR/FDR
- SSI 103-Domestic Wells
- SSI 104-US Project Water Right
- SSI 105-Expedited Inter Se-Boyd Claims
- Threatened Litigation Regarding Operating Agreement

LRR 342/ Matter 150-2<sup>nd</sup> EBID Protest to Verde Realty Operating Partnership Application

LRR 358/ Matter 151-EBID Protest to City of Las Cruces Well Application- LRG 430-S-36 and LRG 5818

Matter 155- EBID Protests to County of Dona Ana Applications LRG 3150 B and LRG 9356

Matter 154- Estate of Stacey J. Williams v. EBID and F. Calderon; CV 2010-2899

AWRM Appeal to Supreme Court

Open/  
Closed  
Session

There being no further business, Robert Sloan moved and Robert Faubion seconded to adjourn the meeting. Motion carried.

Adjourn

The next meeting of the Board of Directors will be held on Wednesday, October 12, 2011.

JAMES SALOPEK, President

WILLIE KOENIG, Secretary