

**ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING  
December 12, 2011**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Monday, December 12, 2011. The meeting was called to order by President James Salopek on a motion by Scott Adams, seconded by Ramon Alvarez. Motion carried. Members absent were Joe Nelson and Willie Koenig.

Roll Call

EBID personnel present were Henry Magallanez, Engineering Supervisor, Zachery Libbin, Junior Engineer; Gail Norvell, Controller; Valerie Beversdorf, CR/GIS Director; James Narvaez, Hydrology Director; Delyce Maciel, HR/Safety Director; Leo Barrett, Maintenance Director; Erik Fuchs, Groundwater Resource Manager; Naomi Ontiveros Executive Secretary.

Also present were Samantha Barncastle and Steve Hernandez, Law Office of Steven L. Hernandez; Dr. Phil King, Hydrology Consultant; Erik Ness, Media Consultant; Ralph Richards, JOBE; Stanley Jobe, JOBE; Martin Lopez, LRGPWWA; Karen Nichols, LRGPWWA; Guillermo Orquiz, Vencor Engineering.; Hector Vasquez, Vecor Engineering; Bonnie Rabe, NMSU Ag and Environmental Services; Harriett Bowling, Kelly Rabiuis and Sherry Fletcher, Sierra County New Mexico Centennia.

Robert Sloan moved and Robert Faubion seconded to accept the minutes of the November 9, 2011 meeting. Motion carried.

Minutes Approval

Robert Faubion moved and Jerry Franzoy seconded to accept the water transfer minutes of November 9, 2011. Motion carried.

The calendar was discussed. Gary Esslinger advised the Board the Elections had been cancelled due to inclement weather. Gary also advised the District will be shutting down for its yearly annual holiday break from Noon on December 23<sup>rd</sup> until Tuesday January 3<sup>rd</sup>.

Calendar of Events

Harriette Bolling invited the Board to Walk Across Elephant Butte Dam an event scheduled to be held on January 7, 2012. It is a celebration of NM becoming a state. Harriette advises the Board the dam has been closed to traffic as of September 2011 but will be open for this occasion and there will be vans available to take people across. The event will also be video streamed on [compoespinozo.org](http://compoespinozo.org) or [nmcentennial.org](http://nmcentennial.org).

Walk Across EB Dam

Bonnie Rabe presented to the Board the new Pesticide General Permit.

**Non-Moratorium**

**License List for Special-Use-Permits for December, 12 Board Meeting**

| Licensee   | Assessment | Fees Requested to be Waived |
|--|------------|-----------------------------|
| <b>2011-L-069 J. Clayshulte</b>  |            | Requested Waived            |
| To construct, operate and maintain 3 gates on the West Drain at Sta# 767+50 & 719+50, and on the Lower Chamberino Lateral at Sta# 112+22 | \$3,872.95 | \$3,872.95<br>Harvest Gates |
| <b>2011-L-104 El Paso Electric Co</b>  |            |                             |
| To construct, operate and maintain an overhead utility crossing the Mesilla Lateral at approx. Sta# 490+00                               | \$2,916.67 |                             |
| <b>2011-L-105 El Paso Electric Co</b>  |            |                             |
| To construct, operate and maintain an overhead   | \$3,416.67 |                             |

Special Use Permits

|  |             |   |
|--|-------------|---|
| utility crossing Garfield Canal at approximate Sta# 487+00   |             |   |
| <b>2011-L-108 El Paso Electric Co</b>  |             |   |
| To construct, operate and maintain an overhead utility crossing La Union East Lateral at Sta# 322+85   | \$2,916.67  |   |
| <b>2011-L-109 El Paso Electric Co</b>  |             |   |
| To construct, operate and maintain an overhead utility crossing Lower Chamberino Lateral at Sta# 159+50  | \$3,166.67  |   |
| <b>2011-L-110 El Paso Electric Co</b>  |             |   |
| To construct, operate and maintain an overhead utility crossing Lower Chamberino Lateral at Sta# 134+95  | \$3,166.67  |   |
| <b>2011-L-113 Lower R.G. Public Water Works Auth.</b>  |             |   |
|  |             | Request reduction                               |
| To construct, operate and maintain buried water lines parralleling the Mesquite Drain and crossing the Mesquite Drain, East Drain, Anthony Drain at Bosque Rd, Berino Rd, and Harding Rd., Bullock Lateral and Kilgore Lateral | \$38,051.99 | Request deferment until June 2012               |
| <b>2011-L-114 V. and C. Ward</b>   |             |   |
| To construct, operate, and maintain an irrigation pipe discharging into the piped portion of the Elwood Lateral and Pump in-Take out at Sta# 35+00.  | \$1,566.67  | Requested Waived<br>\$1,566.67<br>Farm use      |
| <b>2011-L-116 F. Salopek</b>   |             |   |
| Operate and maintain 3 existing harvest gates on the Three Saints East at stations# 61+74, 98+10 & 98+90   | \$4,700.00  | Requested Waived<br>\$4,700.00<br>Harvest Gates |
| <b>2011-L-117 Salopek Foundation</b>   |             |   |
| Operate and maintaing an existing harvest gate on the Eastside Canal at station 128+59   | \$1,566.67  | Requested Waived<br>\$1,566.67<br>Harvest Gates |
| <b>2011-L-118 S. Singh</b>   |             |   |
| Operate and maintain 3 existing harvest gates on the Jimenez Lateral & La Union Main Canal and operate and maintain an existing fence along Jimenez Lateral  | \$3,233.33  | Requested Waived<br>\$3,233.33<br>Harvest Gates |
| Subtotal   | \$68,574.96 | \$14,939.62                                     |
| <b>Total Assessments</b>   |             | <b>\$53,635.34</b>                              |

Zachary Libbin presented to the Board the Special Use Permits for the month of December.

Robert Faubion moved and Scott Adams seconded the motion to accept the Special Use Permits. Motion carried.

Martin Lopez with LWGPWA request from the Board a reduction in fees and cost deferment until June 2012. The reason for request by Mr. Lopez is the waterlines already exists and previous entities may not have done the proper permitting and may need further inspection. A deferment has been requested since Grant funding cannot be received until permits have been approved. Henry Magallanez adds that deferments from other utilities have been done in the past and recommends deferment until June 2012; he does not recommend reduction on cost of fees. Tom Simpson moved and Robert Sloan second a motion to defer payment until June 2012 when all permits have been approved. Motion carried.

Henry presented to the Board a Memorandum of Agreement (MOA) between EBID and Dona Ana Mutual regarding the Leasburg canal. Dona Ana Mutual will pay for material costs. Robert Faubion moved and Jerry Franozy second a motion to approve the MOA subject to final revisions made by Staff and Legal Council. Motion carried.

Dona Ana Mutual MOA

Leo Barrett gave the Maintenance update. The concrete bid has gone out for the Leasburg heading and culvert and drain cleanings are still ongoing throughout the valley. The pipe project on the Las Cruces lateral behind Las Cruces High has been completed and will be filled back before Christmas break. The Leasburg Main site is getting prepared for the concrete pour and will be finished before the break.

Maintenance Department Update

Policy Amendment

Leo presented to the Board Policy 1984-MNT3 for amendment. Scott Adams motioned and Robert Faubion second to amend Policy 1984-MNT3. Motion carried.

Dr. Phil King gave the update on the water allocation and conditions and continued to remind the Board that La Nina was still in affect. An allocation meeting is scheduled for Friday, December 16<sup>th</sup> to bring the forecast up to date. The current allocation is 38,467 for the 2012 season for EBID; adjustments to the compact credit will determine final allocation in January. Dr. King adds there may not be a relinquishment credit available and it will be another rough year.

Operations/ Hydrology Report

Gary Esslinger introduced Erik Fuchs, the newest addition to the District and Staff team. He will be managing the Groundwater Resource department. Erik thanked the Board and added he was honored to be with the District. He is currently concentrating on well protest activities and working with legal. He adds that he attended a lecture by Tom Maddock and Wolfgang on December 2, 2011. Some topics Wolfgang discussed Erik will be looking at closely regarding updating the groundwater modeling in the LRG.

Groundwater Resource Report

Valerie Beversdorf gave the CR/GIS update. The growers meeting presentation has been posted on the EBID website with links and sources to follow. CRGS is responding to request for assistance.

CR/GIS Report

Valerie discussed the Storm Water Coalition. The Storm Water Coalition met the 15<sup>th</sup> of November. The members are working on a Regional Stormwater Management Plan.

Storm Water Coalition

Valerie also discussed Vision 2040 At the October meeting all comments to the documents were approved by the Stakeholders. The city and county planners are working to incorporate the changes into the.

Vision 2040

Valerie Beversdorf, James Narvaez and Gail Norvell presented the True Point tour they had on November 13-16<sup>th</sup>. Valerie reported to the Board that TruePoint is software that works with irrigation districts. It does the billing, orders and GIS among many other areas it can cover. It will replace all or part of the Fusion software currently being used. Valerie, James and Gail visited three different irrigation districts in California and the owner of TruePoint Software to see how the program works for each district. They meet with different departments the data, office and field departments to see how each department used the software. Each district implemented the software in its own way but they were all satisfied with how the software worked and with the

customer service available. Gail adds that it is cost saving to use the software compared to the current software being used. The TrueBill program section will handle multiple assessments and rates. Water records process will be completed with a lot less paperwork. Water orders and transfers can be done online. Constituents and employees will be able to view at date for multiple years. Gail adds that this will be a large purchase and it will go out for RFP.

James added that the water management in the other districts were about the same as EBID. They used the same type of units and telemetry which made the evaluation easier. The new software will give the ability to account better for the water and manage. The ditchriders will be able to see which field the water is on and better manage the water and provide a better opportunity to react to situations quicker. Scott Adams moved and Robert Faubion second to proceed with the procurement process for the TruePoint software. Motion carried.

Delyce Maciel gave the HR/Safety update. The current employee count is 86 with no pending retirements. EAC is scheduled to meet January 23<sup>rd</sup> at 10am. There are currently no safety issues and safety training is continuing.

HR/ Safety Report

Gail Norvell presented to the Board the financial reports for the Month of November 2011. Cash in the bank is \$400,664, assessments receivable is \$6,482,563 and investments \$4,296,131 for a total increase of \$856,373 over November 2010. Grant projects are on going.

Controller Report  
 Financial Fact Sheet

Gail Norvell presented the renewal of IT Professional Services contract for Dave Nelson. Robert Faubion moved and Tom Simpson motioned to approve the contract for one more year. Motion carried.

IT Contract

Gail Norvell presented to the Board the Business lease with the New Mexico State Land Office. Robert Faubion moved and Jerry Franzoy seconded to approve the lease. Motion carried.

Business Lease Agreement

Gary Esslinger gave the Board an update on the NWRA Annual meeting. Major issues were discussed regarding Low Head Hydro. There were 55 members that attended with 10 irrigation districts committed to pay to work further on developing a plan to address FERC regulations. Funding is being collected and put in a special account in order to pay for outside consultants and legal advice to work on FERC requirements.

Managers Update

Gary advised the Board Elections have been scheduled for January 5, 2012 and requested the January 11, 2012 Board meeting be moved to Monday January 9, 2012. Robert Faubion moved and Tom Simpson second to move the January 11<sup>th</sup> board meeting to January 9<sup>th</sup>. Motion carried.

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 345 – Lack/EBID Land Exchange and Flow Easement. Open-LEP
- LRR 351 - Request to realign ROW boundaries, Stahmann. Open-SAH
- LRR 367 – Sierra County Communication Tower on Caballo Mountain MOA. Open-LEP
- LRR 384- LRR Reclassification Amendment of Current Policy-Open- SRB
- LRR 386- Lien Form and Process for Delinquent Farm Accounts- Open- SRB
- LRR 387- Drain Right of Way Use-Open-SRB

LRR Report

Steve L Hernandez advised the Board of Directors he will be representing and trying to sell 300 acft of water rights for the Las Cruces Country Club and is requesting a Waiver of Conflict of Interest. He believes this sale of groundwater will not impact EBID since it is a vested right. Scott Adams motioned and Tom Simpson second to approve a Waiver of Conflict. Motion carried.

Waiver of Conflict

Robert Faubion moved and Robert Sloan seconded to break for lunch. Motion carried. Following lunch, Scott Adams moved and Robert Sloan seconded to reconvene the meeting. Motion carried

Open/  
 Closed Session

Robert Sloan moved 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:

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

Diez Lagos Properties

LRG-3150-D into LRG-12171-S-2 and LRG-3229 Protest to Application of Sunland Park and Charles Johns

Following closed session, Scott Adams motioned and Robert Sloan seconded to return to open session.

The Board discussed the matter of LRG-12171-S-2 AND LRG-3229 Protest to Application of Sunland Park and Charles Johns. On a motion by Ramon Alvarez second my Scott Adams to ratify the protest authorized by Manager Gary Esslinger. Motion carried.

There being no further business, Jerry Franzoy moved and Scott Adams seconded to adjourn the meeting. Motion carried.

Adjourn

The next meeting of the Board of Directors will be held on Monday, January 9, 2012 due to the Board Elections to be held on January 5, 2012.

JAMES SALOPEK, President

WILLIE KOENIG, Secretary