

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
August 7, 2012**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Tuesday, August 7, 2012. The meeting was called to order by President James Salopek on a motion by Bobby Kuykendall, seconded by Willie Koenig. Motion carried. Tom Simpson was absent.

Roll Call

EBID personnel present were Gail Norvell, Controller; Valerie Beversdorf, CR/GIS Director; Leslie Kryder, GIS Specialist; James Narvaez, Hydrology Director; Leo Barrett, Maintenance Director; Jean Hinsley, Resource Engineering Specialist; AJ Carlson, Land Water Analyst; Chuy Morales, Eng Field Tech; Erek Fuchs, Groundwater Resource Manager; Naomi Ontiveros Executive Secretary.

Also present were Steven Hernandez and Samantha Barncastle, Law Office of Steven L. Hernandez; Dr. Phil King, Hydrology Consultant; Greg Daviet, Dixie Ranch; Jerry Schiddery, DFPOWH; Jim Hangen, OSE, Richard Trujillo and Theresa Gonzalez, RTD Hardware; Jerry Cordova and Koting Lee, CLC; Doug McAda and Sarah Falk, USGS; Diana Alba, LC Sun News.

Willie Koenig moved and Scott Adams seconded to accept the July board minutes. Motion carried.

Minutes Approval

Robert Faubion moved and Willie Koenig seconded to accept the July water transfer minutes. Motion carried.

The calendar was discussed. Gary advised the Board the last day to place orders for the irrigation season will be Friday, the 10th and the season looks to be ending on August 20th. Gary reminded the Board that the 57th Annual NM Water Conference will be held on August 28th and suggested that Board members attend. Steve Hernandez also advised the Board that on August 27th there will be an Interim Water Committee meeting in TorC where Dr. King and Steve will be speaking on the AG Operating Lawsuit.

Calendar of Events

Non-Moratorium

License List for Special-Use-Permits for August 7, 2012 Board Meeting

Licensee	Assessment	Fees Requested to be Waived
2012-L-061 El Paso Electric Co		Requested Waived
To construct, operate and maintain a new overhead powerline crossing the California Lateral at station# 123+28 for new well.	\$3,116.67	\$3,116.67 Farm Use
2012-L-062 Salopek 4-MP Farms		
To pump in - take out using the Leasburg Canal at Sta# 398+50	Pump in - Take out	Farm Use
2012-L-063 Richard Trujillo/ RTD Hardware		Requested Waived
To operate and maintain a piped portion of the Leasburg Drain from Approximate Sta# 80+00 thru 76+50	\$1,766.67	\$1,766.67
2012-L-064 El Paso Electric Co		
To upgrade, operate and maintain an existing overhead powerline crossing the Mesilla Lateral at	\$3,166.67	

sta# 162+02

2012-L-066 Tellez Farms

To pump in - take out using the La Union West Lateral at sta# 164+91 & 200+84	Pump in - Take out	Farm Use
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2012-L-067 El Paso Electric Co

To construct, operate and maintain a new secondary service drop- wire only on the Kilgore Lateral at sta# 15+74	\$50.00	\$50.00
		Drop

2012-L-069 Crossett Farms

To pump in - take out using the Little La Union Lateral at station# 72+95.	Pump in - Take out	Farm Use
	\$8,100.01	\$4,933.34

Total Assessments **\$3,166.67**

Moratorium

License List for Special-Use-Permits for August 7, 2012 Board Meeting

Licensee	Assessment	Fees Requested to be Waived
2012-L-068 City of Las Cruces		
To construct, operate and maintain Bruins Lane that crosses the Mesilla Drain at Sta# 200+34 and Quesenbury Lateral at Sta# 47+00; to include a 12" waterline, a 4" gasline and various harvest gates	\$6,766.67	\$6,766.67

Non-Moratorium-Renewals

License List for Special-Use-Permits for August 7, 2012 Board Meeting

Licensee	Assessment	Fees Requested to be Waived
2012-L-071 Cupit		
To operate and maintain a previously permitted vehicle crossing on the Mesilla Lateral at Sta# 68+50	\$1,666.67	
2012-L-072 Biad		
To operate and maintain a previously permitted harvest gates on the Mesilla Lateral at Sta# 99+48 and the Park Drain at Sta# 229+56	\$1,547.43	\$1,547.43
		Farm Use
2012-L-073 Clayshulte		
	\$1,666.67	Requested Waived

To operate and maintain a previously permitted vehicle culvert crossing the Upper Chamberino Lateral at Sta# 23+87		\$1,666.67	
			Farm Use
2012-L-074 Whitaker			Requested Waived
To operate and maintain a previously permitted buried irrigation pipe crossing the West Drain at Sta# 801+68 and to include various harvest gates.	\$3,333.33	\$3,333.33	Farm Use
	\$8,214.10	\$6,547.43	
Total Assessments		\$1,666.67	

Chuy Morales presented the Special Use Permit applications for the month of August to the Board. Chuy explained to the Board there were two lists of permits, the second being previously issued permits that need to be renewed. City of Las Cruces (CLC) requested that fees be waived for stormwater evacuation; after discussion from the Board, Robert Faubion motioned and Jerry Franzoy seconded to table permit 2012-L-068 City of Las Cruces until the September board meeting; where Chuy will have a break down of fees to be assessed. All other permits presented were motioned for approval by Scott Adams and second by Willie Koenig. Motion carried.

Jean Hinsley and AJ Carlson presented three boundary expansion requests. Bill Kopp is requesting 7.90 acres, Christopher and Tammy Franzoy 37.75 acres and Rodney Shayne and Amanda Franzoy 223.08 acres. There are no water rights being added to the expansion and the total irrigated acreage is still at 90, 640 acres for the District. Robert Faubion motioned and Willie Koenig seconded to approve all three boundary expansions. Motion carried.

Boundary Expansions

Jean Hinsley gave the Board an update on the Reclassification List. Two letters have been prepared to be sent out; one advising members they do not meet the requirements, the second one letting members know they are still eligible to be considered for reclassification and may continue to remain on the list but that they need to confirm that with the district within a certain period of time. Based on advice from legal, Engineering also applied the same examination to requests for small tract reclassification and they will receive the same letters. Letters will begin going out at the end of the week and members will have sixty days to respond.

Reclassification List Update

Leo Barrett gave the Maintenance update. Maintenance will start their winter maintenance by the end of August 2012 now that the season will be coming to an end. Gate structures will be investigated beginning with the American Bend for major construction improvements; another area for work will be piping sub-laterals. Leo also advised the Board there has been a new grass growing in areas and it seems to be cutting down on the horse tail; it is easier to maintain. If any members or Board Members have any questions or concerns they are asked to speak with Leo. Leo also made comment to a permit requested by the City of Las Cruces (CLC) that it would be a great help for maintenance if the City did the work. He also suggests having the Quesenberry piped by the CLC; as there have been issues in the past with getting equipment in and out of the area. Gary Esslinger requested Chuy Morales to make a engineering plan and the total cost to be present at the September Board meeting.

Maintenance Department Update

Dr. Phil King and James Narvaez gave the season outlook for the month of August. Dr. King advised the board at the allocation meeting EBID was looking to have 126,000 acft and a .64 diversion ratio. Dr. King adds the district is "close to the edge as can get" and that is where the district would like to be. He predicts next year we may have a better snowpack runoff but cautions there will be a low diversion ratio that will affect the allocation. He recommends no increase in allocation. James Narvaez advised the last order date will be Friday, August 10th and small tract irrigators will be watering the weekend of August 11th and 12th. Hatch should be ending by the end of the week which will help extend the rest of the district and finish on target; then he hopes he can get to August 17th. James adds farmers have taken the advice to order before the deadline and orders have been increasing. James is hopeful the district will be able to meet the demand, but

Operations/ Hydrology Report

worries that the allotment will run out first.

Erek Fuchs gave the groundwater update. Erek advised the Board he has been working on a Groundwater Policy and a draft has been completed and has received input from legal. It will now be refined and passed out to Staff members for review and then taken in front of the executive committee for further input.

Groundwater
Resource
Report

Erek advised the Board that he, Zack Libbin and Leo Barrett visited the Diez Lagos site and made a GPS well location of a primary irrigation well. A quarter to half of the land qualified for primary groundwater right. Erek advises the Board he will be putting together a declaration to submit to the OSE and when the declaration is finalized it will be presented to the Board.

Diez Lagos

Erek introduced guests Doug Mcada and Sarah Falk of USGS. Sara Falk presented to the board a power point regarding the Mesilla Basin Groundwater monitoring program. It is a cooperative program between USGS, EBID and other agencies. The objective is to document hydrologic conditions within the groundwater basin. There are three different components the Mesilla Basin well network. There were 1874 water level measurements in winter 2012, 10 wells located but not measured. Historically there have been as many as 212 wells that have been measured. There have been wells removed from the 2012 year for measurements due to lack of access to sites. Sara concludes by advising the board for the year 2013 they will be having the winter 2013 water level mass measurements and continue the water level sites and possibly the Mesilla cross section area in partnering with the District. A seepage investigation report will also be worked on. Sara provided the USGS website for more information; www.nm.water.usgs.gov/projects/mesilla/. The Board took the presentation under advisement and will decide whether or not to continue to participate and continue funding their portion at a later date.

USGS
Mesilla
Basin

Valerie Beversdorf gave the CR/GIS update. Valerie advised the Board she and Leslie have been working on the Structure Book Verification Project, determining appropriate equipment, processes, and procedures, and putting together maps and reports to go along with verifying the structures. The verified structure book data will be made available digitally so all departments will have access.

CR/GIS
Report

Valerie advised the Board she attended the quarterly meeting for the Rio Grande Citizens Forum on July 19th which was hosted by EBID. Dr. Jim Covey presented the emergency action plan, and others updated the forum on levee construction and river restoration projects. The next meeting will be held in El Paso.

Rio Grande
Citizens Forum

Valerie gave the update on the Stormwater Coalition. Leslie Kryder and Casey McGuire both attended the July monthly meeting that was held in T or C, NM. Since 1/3 of the members are from Sierra County it was decided to hold a meeting in Sierra County every third month. The emergency action plan was discussed as well as the OSE's requirements for BMPs and how to address flood events. The next scheduled meeting will be held on Thursday, August 9th in the EBID small conference room.

Stormwater
Coalition

Valerie updated the Board on the Farm Service Agency (FSA). She advised the Board she is still in contact with FSA in acquiring their farm field data. She met with Mr. Rael at the FSA Roundtable Discussion meeting in Las Cruces on July 25th. Mr. Rael had received the letter sent out and advised Valerie that they would not be able to release the data due to confidential information. Valerie suggested stripping out all confidential information and only releasing the shapes of the fields (GIS polygons); he was more open to the idea. He requested Valerie meet with his staff and explain her idea and reasoning of needing the information. No date has been set as of yet.

Farm Service
Agency

Valerie also advised the Board there will be a three day kick off meeting with TruePoint software from Wednesday through Friday (August 8-10) to gather information from each department and determine the data needed for conversion. Board members are welcome to attend.

TruePoint
Software

Gary Esslinger gave the HR/Safety Report. The current employee count is 86 including temporary employees; the full time employee count is 82. Operation temps will be leaving this month as the

HR/Safety
Report

season will be ending. The next EAC meeting is scheduled for August 23rd at 8 am. Thank you letters and posters were received from the different schools where the EBID water wagon was demonstrated. These were present for the Board to view. The safety training hours schedule is being planned for the safety year. Employees are required to have a minimum of 16 hours of safety training each year and supervisors and staff are required to have a minimum of 8 hours each year.

Gail Norvell presented to the Board the financial reports for the Month of July 2012. Cash in the bank is \$322,557, assessments receivable is \$562,106 and investments \$7,183,951 for a total increase of \$1,210,731 over July 2011. Grant projects are on going and in process.

Controller
Report
Financial
Fact Sheet

Gail updated the Board on the progress of the security access project. The wiring is in process for the system and will be completed within the next few weeks. Access cards will be set up and cameras are positioned inside and outside. Exterior doors will be locked at all times and access to the building will be through the front door.

Security
Access

Gary Esslinger advised the board on July 19th himself, Steve Hernandez, Erek Fucks, Lee Peters and Dr. King did a tour of the Santa Teresa area with Border Authority Director Bill Mattiace. Due to a back log of unloading ships coming into the Long Beach Harbor, the Chinese are looking at helping build a railway from Mazatlan to the Santa Teresa border crossing. This is where the union pacific intermodal site has been developed. The border crossing now has x-ray scanners that can see inside each cargo container and determine what is being shipped. It was a good tour and showed how much additional development will be brought to the area. Dr. King adds there are problems with heavy groundwater pumping in that area because the aquifer is shallow. He is not sure how the area will be able to sustain a long term water supply. They may have to go to surface water at some point.

Managers
Update

Gary updated the board on the NWRA conference that was held in Sun Valley, ID from August 1st through the 3rd. The Policy Committee discussed the Red River lawsuit involving Texas and Oklahoma and the importance of the states protection of the compact water. The committee will also develop a resolution on the watershed rehabilitation. Some of the speakers were Don Easterbrook, Climatologist; Carlos Rubinstein, Texas TCEQ Commissioner and Dan Keppen of FFA. Dan Keppen spoke about the regulatory over reach and federal agencies trying to encumber water deliveries and making it harder for farmers to farm. Allocation to farmers in California used to be eighty percent to the farmers and twenty percent to the cities now its twenty percent to the farmers and eighty percent to the cities and environment.

Steve Hernandez and Samantha Barncastle reported on legal matters.

- LRR 302 – City of El Paso/Montoya Drain. Open- SAH
- LRR 303 – Hatch Easements. 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. Closed-LEP
- LRR 384- LRR Reclassification Amendment of Current Policy-Open- SRB
- LRR 386- Lien Form and Process for Delinquent Farm Accounts- Closed- SRB
- LRR 387- Drain Right of Way Use-Open-SRB
- LRR 392- Rio Grande Water Transfer Program-Open-LEP
- LRR 394- Review BLM Letter Regarding Copper Flat Mines-Open-LEP
- LRR 398- EBID Purchase Order Terms and Conditions-Open- LEP
- LRR 399- Amend and Revise Original Document with Zia Natural Gas-Open-LEP
- LRR 401- State of NM obligation to pay EBID Bill- Open SRB
- LRR 403- True Point Software and maintenance Agreement-Closed-SLH
- LRR 404- MOU or Waiver between USDA FSA and EBID- Open-SRB
- LRR 405- Magellan Pipeline Co. Right of Use Permit- Open- LEP
- CID Update-SLH/SRB

Legal
Update

LRR
Report

Samantha Barncastle also requested to reopen LRR 291 regarding Parasol Dairy.

Bobby Kuykendall moved and Robert Faubion seconded to break for lunch. Motion carried. Following lunch, Ramon Alvarez moved and Bobby Kuykendall seconded to reconvene the

Open/
Closed
Session

meeting. Motion carried.

Jerry Franzoy moved 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:

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

LRR 342/ Matter 150-2nd 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
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

State of NM vs. US/EBID/EP#1. MP/ 11-CV-691/WDS

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

Adjourn

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

The next meeting of the Board of Directors will be held on Wednesday September 12, 2012.

JAMES SALOPEK, President

WILLIE KOENIG, Secretary