

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
February 8, 2006**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, February 8, 2006. The meeting was called to order by President James Salopek on a motion by Robert Faubion, seconded by Robert Sloan. All members were present.

Roll Call

EBID Staff present were Henry Magallanez, Engineer; Gail Norvell, Controller; EAC Co-Chairs Tom Hansen, Human Resources Director and Linda Armijo, Accounting Assistant; Ricardo Bejarano, Water Master; James Narvaez, Hydrology Director; Fernie Ortiz, Land Specialist; Ricardo Bejarano, Water Master; and Sammy Gonzalez Assistant Water Master; .

Also present were RGCC Commissioner, Pat Gordon; Herman Settermeyer, Engineer Advisor for RGCC; and Priscilla Hubenak, Legal Advisor to Texas Commissioner for the RGCC; and Marvin Tessneer, LC Bulletin.

Also present were Steve Hernandez, Hubert & Hernandez, P.A and Phil King, Engineering Consultant.

Upon inspection, the minutes from the January 11th board meeting were found to be incomplete due to a printing error. Approval was tabled until later in the meeting so that the Board would have an opportunity to read the complete minutes.

Minutes Approval

Robert Faubion motioned and Bill Gary seconded to approve the minutes of the January 11, 2006 Water Transfer Hearing. Motion carried.

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

Water Supply

	<u>02/01/2005</u>	<u>02/01/2006</u>
Elephant Butte	241,740	471,050
Caballo	<u>26,150</u>	<u>16,830</u>
	267,890	487,880

Items on the calendar were discussed. Dates include the Rio Grande Citizens Forum to be held in El Paso on the 15th, a NAD Bank Utility Management Institute to be held in San Antonio, TX February 22nd through 24th; the Family Farm Alliance Conference to be held in Las Vegas, Nevada March 1st through 3rd; the Rio Grand Compact Commission annual meeting to be held in El Paso on the 23rd of March; and the Rio Grand Basin Initiative Conference to be held in Ruidoso beginning the 27th of March.

Calendar

Linda Armijo and Tom Hansen gave the Employee Advisory Committee update. Minutes of the last EAC meeting had been provided to the Board in their packet. PERA 457 was approved and representatives from Nationwide would be coming to EBID to begin the enrollment process. A three percent cost of living raise would be given across the board to all employees. Staff and HR would continue to work on new evaluations for merit raises. The results of the survey given to employees will be discussed at a staff and middle managers meeting to be held later in the week and will then be presented to the board at the March meeting. EAC would like to be allowed to participate in preparation for the next General Meeting and other EBID functions. The EAC asked to be allowed to seek legal opinion on whether or not the EAC could work on fund raising projects to raise sufficient income to cover such events. The EAC will work out a draft policy and provide it to legal for approval. Ms. Armijo will look at the Las Cruces Public School District to see how they handle fund raising since they fall under the same restrictions as the District.

EAC Report

Bert Cortez and Wayne Treers of the Bureau of Reclamation discussed the water allocation for the 2006 irrigation season. Mr. Treers reported that the season was starting out better than last year only because of the 400,000 ac/ft in storage currently. He felt that the odds were not good for a good runoff and that we'd be doing well to get a 50% runoff. Long term above normal temps and dry weather conditions were to blame. Runoff currently at San Marcial was 11% of normal. According to predictions, the final allocation will be close to 55% or even less.

Water Allocation Update

Pat Gordon, Rio Grande Compact Commissioner for Texas came before the Board to introduce himself. Along with Commissioner Gordon were Herman Settermeyer, Engineer Advisor to the RGCC and Priscilla Hubenak, Legal Advisor to the Texas RGCC. Mr. Gordon stated that he looked forward to working with the District and becoming more involved with District concerns and problems. He invited the board to the annual RGCC meeting hosted by Texas in El Paso.

RGCC Commissioner Introduction

James Narvaez, Hydrology Director gave the hydrology department report. Mr. Narvaez reported that his department was busy installing RTU units on irrigation wells and that 30 have been installed to date. He also reported that they would begin programming the QA/QC program and that factory tests would soon be conducted in Phoenix.

Hydrology Update

Discussion was had on whether or not the meters being installed on wells would meet with the OSE criteria. Mr. Narvaez said that some wells were difficult to install meters due to plumbing, and when possible, they were moving meters to other wells close to that proximity and notifying the OSE of the change in location.

Craig Cathey of the OSE said that wells must run at ¾ capacity discharge and the OSE is aware that some will need the plumbing to be corrected he stated that the state engineer will probably give unofficial extension since there are so many field problems regarding the installation of meters. The board recommended that the state engineer come here to meet with farmers. A lot of questions/issues about metering are being raised. Mr. Cathey stated that a public meeting is scheduled for February 21 at Gerald Thomas Hall, NMSU. This meeting is regarding the OSE rules on domestic well permits. He suggested that perhaps the State Engineer could meet with representatives of the Board before the meeting. EBID staff will try to arrange such a meeting.

Ricardo Bejarano, Water Master, and Sammy Gonzalez, Assistant Water Master came before the Board with more information on a third unit in the Hatch area to help with the additional work that came with metering. This issue was discussed at the January meeting and Mr. Bejarano came back with additional information on why the 3rd unit would be justified. It was decided that at the present time with the Drought back in full swing, it would not be a good time to hire additional personnel to man a 3rd unit. Staff gauges to make the metering process easier and quicker are being installed in canals to help the Ditch riders in units 1A and 1B to better utilize their time and insure more accurate meter notes at the time of irrigation.

The matter of the start of the 2006 Irrigation season was discussed. EP#1 is scheduled to start on March 10th with a release and start delivery on the 15th of March. After discussion, Tom Simpson motioned to allocate 14" with emphasis that there is very little water this season. Jerry Franzoy seconded the motion. Motion carried.

A motion to open the dispatch office on February 27th was made by Willie Koenig, seconded by Robert Sloan. With sufficient orders in place, the release on March 10th would coincide with EP#1's release. Motion carried.

Small tract irrigations were discussed. Jerry Franzoy motioned and Robert Sloan seconded to schedule three small tract irrigations in each area, in the months of April, May and June. Motion carried. The dates for small tract irrigations will also be announced in the press release.

It was recommended by the Board that a press release be prepared to state the following:

The Dispatch office will open on February 27th and if there are sufficient orders, the District will release on the 10th of March and start deliveries on the 13th of March. There will be no block releases this year and the District will begin with a 14" ac/ft allotment and operate until the runoff improves or we run out of water. (See press release attached.)

Henry Magallanez presented the following special use permits:

1. 06-L-004 – Stephen Klinger: To operate and maintain an existing vehicle culvert crossing on the school lateral at approximate station 5+54. Assessment, \$946.28. Requested to be waived, \$946.28.
2. 06-L0005 – William Allen; To operate and maintain an existing vehicle crossing on the Angostura Lateral, at approximate station 261+00. Assessment, \$1,051.14. Fees requested to be waived, \$1,051.14.
3. 06-L-006 – Q-West Communications; to construct, operate and maintain the removal and replacement of various existing poles and cables paralleling the Three Saints West Lateral for approximately 3,183 feet between Joy Road and O'Hara Road. Assessment, \$52,840.49.
4. 06-L-007 – Rafter 2 S Cattle Co./Rosie Lack; to construct, operate and maintain a new carrier irrigation pipeline for a new well across the array main canal at approximate station 43+74. Assessment, \$1680.27. Fees requested to be waived, Admin fee, \$666.67.
5. 06-L-008 – El Paso Electric Co/for John Clayshulte; to construct, operate and maintain an existing aerial power line and replace with a new 3 phase 24KV aerial electric power line paralleling the Lawrence Lateral approximately 987 feet existing and crossing the Lawrence Lateral at approximate station 18+22 for an irrigation well. Assessment, \$18,822.95. Fees requested to be waived, \$18,822.95.
6. 06-L-012 – Triple D. Farms; to construct, operate and maintain 2 new harvest gates on the left and right banks of the west Drain at approximate station 377+13 and maintain existing harvest gates on the West Drain at approximate stations 393+00 and 402+50. Assessment, \$3782.54. Fees

Third Unit in North area

2006 Irrigation Season Opening Dates

Small Tract Irrigations

Special Use Permits

requested to be waived, admin fee, \$2,000.00.

7. 06-L-014 – Johnny Krynitz – Pete Atencio; to operate, maintain an existing vehicle crossing on the Rodey Lateral at approximate station 195+02. Assessment, \$981.23. Fees requested to be waived, \$981.23.
8. 06-L-015 – Bill Kershaw; to construct, pipe and cover, operate and maintain a portion of the Gardner Lateral for approximately 716 feet. Assessment, \$3,169.21. Fees requested to be waived, \$3,169.21.

Total Assessments: \$83,274.11. Total Fees waived: \$27,637.48.

The Following Licenses are under Moratorium:

9. 06-L-009 – Picacho Hills Utility Company; to construct, operate, maintain a new 8" effluent transmission line paralleling the School Lateral and Bamert Road from approximate stations 24+40 to 49+94, for approximately 2,554 feet. Assessment, \$42,530.30.
10. 06-L-017 – Helena Chemical Co.; to construct, operate, maintain the installation of three new monitoring wells (2) on the Del Rio Drain at approximate stations 237+40 and 242.00 and (1) on the left bank on the Lake Lateral at approximate station 77+50. Assessment, \$2,016.78

Total Assessments under Moratorium, \$44,547.08

Upon recommendation of Henry Magallanez, Robert Faubion motioned and Jerry Franzoy seconded to approve license numbers 1-8 and 10 and to table #9 for further study. Motion carried. The Board wants to make sure Picacho Utility has notified farmers that may be adjacent to this sewer line.

Mr. Magallanez informed the board that Q-West wants to work on a blanket agreement for payment of their fees in the future and that would be working with legal staff to draft such an agreement.

Mr. Magallanez discussed the expansion of District boundaries. There are two entities who would like to see the boundaries expanded; Ken Thurston a private individual with 490 acres and the CLC with 3,800 acres. Legal descriptions and publication would be at the applicant's expense. The addition of acreage to the boundaries would necessitate redistricting the voting precincts which are not even as of this time and by statute should be. That would have to be done prior to the next election which will be in December of 2007. Mr. Magallanez recommended that we do it as a change to gross acres and that it wouldn't change the allocation. Mr. Magallanez and legal will continue working on this process and report back to the board at a future meeting.

Mr. Bud Starnes of the NMSU Dept. of Ag discussed a request by the NM Burrowing Owl Working Group to enlist EBID field personnel to document burrowing owls on EBID ditch banks. The group would like to train EBID personnel to spot and record burrowing owls when they see them in the course of patrolling the canals. Bill Gary motioned and Robert Faubion seconded to participate in the program. Motion carried.

Gail Norvell, Controller, presented the financial fact sheet for the month of January, 2006. The fact sheet is as follows: Cash in the bank totaled \$904,698; assessments receivable totaled \$2,280,973; and investments totaled \$4,216,761 for a grand total of \$7,402,432. This figure reflects an increase in assets of \$2,003,855 over January of 2005. Special use fees collected were \$30,992.

Also presented were the financial statements for October, November and December, 2005.

Ms. Norvell discussed a cell phone/radio proposal. The question was whether or not to upgrade some of the systems cell phones to include two-way radio communication.

New phones are capable of being both cell phones and two way radios. It is an option to use this type of phone rather than upgrading/replacing radio units in the some of the district's maintenance vehicles? Or is it more cost effective to begin using the two way system again. Ms. Norvell will do more research and request that Alltel provide some phones to test the system. Ms. Norvell will report to the Board at a later date.

Ms. Norvell informed the Board that the ICMA 401 Plan had been amended and that the employees staying with ICMA would now be getting a 7% match rather than the 2% previous contract.

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

The Manager's update followed. Items discussed were as follows:

Discussion was held on renewal of the NM Water Resource Association (NM WRA) annual dues in the amount of \$1,463.00. Bill Gary motioned and Jerry Franzoy

Boundary
Expansion

Burrowing
Owl Study

Financial
Report

Cell Phones/
Two-Way
Radios

ICMA 401 Plan
Update

Lunch Break

Manager's
Update

NM WRA Dues

seconded to continue to pay the dues assessment. Motion carried. NM WRA dues go towards representing the NWRA and EBID is a member of both organizations.

The Board was given a report on the tour of the California irrigation districts taken the previous week. The district was given tours of two different districts in California that operate surface water treatment plants to service municipalities. The tours were very informative and the board was in favor of seeking out vendors of the membrane filter process to see if they would be interested in trying a pilot project in the Leasburg or Hatch area. This will be a continuing investigation with no further commitment other than to seek out more information at this time.

Flood control issues with Dona Ana County continue to be a huge problem. The letter from the OSE was important. The board recommended that staff continue to work with DAC Flood Commission to bring awareness to the public.

The OSE metering order has it's problems and the board recommended that we try to meet with D'Antonio prior to his town hall meeting on February 21st.

The Garfield Dam still has problems in getting proper approval and sign off. The dam is being rehabbed through a cost-share agreement with EBID/DAC Flood Commission and Caballo Soil and Water Conservation. Upon completion of the rehab, Garfield Dam will then be transferred to the DAC Flood Commission.

RG Bosque State Park is moving forward, but staff and legal are not having much success with getting action. Staff will again meet with state officials after the closing of the legislation on February 17th.

The matter of an increase in fees from the District's legal staff was discussed. Hubert & Hernandez, P.A. increased its hourly rate from \$145 to \$165.

Tom Simpson motioned and Bill Gary 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:

Threat of Texas/NM Supreme Court Action; LRG Stream Adjudication Case, AWRM; EBID vs. United States, Operating Agreement, Amended Complaint; EBID vs. BOR No. CIV 90-95-HB, Mediation w/State Parks – Subsection I Credits; Anderson vs. EBID, Dona Ana Dam, Fillmore Dam; and SHPO MOU.

Tom Simpson motioned and Bill Gary 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.

Willie Koenig motioned and Jerry Franzoy seconded that the minutes of the January Board meeting be approved. Motion carried.

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

The next meeting of the Board will be held on Wednesday, March 8, 2006

California ID
Tour

Flood Control
Issue w/DAC

OSE Metering
Order

Garfield Dam
Rehabilitation

RG Bosque
State Park

Legal Fees
Increase

Closed/
Open Session

Minutes
Approval

Adjourn

Next Meeting

START OF 2006 IRRIGATION SEASON

On Wednesday, February 8, 2006, the Elephant Butte Irrigation District Board of Directors met in open session for its regularly scheduled meeting. One of the topics of discussion of this meeting was the opening of the 2006 irrigation season.

As per the amount of water available in the reservoir for release by the District on the date of the meeting, the Board agreed to make the initial allotment to its constituents at **14 inches**. It was to be stressed to the constituents that this may be the entire allocation for the 2006 season. It should be noted that this water is only available due to the fact that the District conserved and banked 140,000 AF in Elephant Butte Reservoir at the end of the 2005 season.

The following are proposed dates for opening the 2006 Irrigation season.

February 27th, the District Dispatch office will open for taking orders during regular business hours, 07:30 a.m. to 4:30 p.m.

March 10th, **depending on orders**, first release from Caballo Reservoir

March 13th, **depending on orders**, begin delivery of water to constituents

SMALL TRACT DELIVERY SCHEDULE

(Small tracts < 2.0 acres AKA flat raters). Flat rate accounts will receive three irrigations initially, one per month in April, May and June. Others may be added pending future rainfall, but at this time additional weekends are doubtful. The schedule will be followed unless a flat rater is required to irrigate along with a farmer. Not all small tracts will receive water on the same weekend. Water can be taken only one time during the 48-hour weekend. The days for small tract deliveries are based on regions or areas. **Please refer to the map to determine on which date and/or day you will be able to irrigate.** Please contact your ditch rider or EBID (526-6671 or 524-8003) if you have any questions about the date and/or day you are allowed to take delivery of irrigation water. Be sure to talk to your ditch rider in advance of your irrigation date to coordinate the water delivery.

Irrigation dates for flat rates:

<u>South</u>	<u>Central</u>	<u>North</u>
April 1 - 2	April 8 - 9	April 15 - 16
May 6 - 7	May 13 - 14	May 20 - 21
June 3 - 4	June 10 - 11	June 17 - 18

The District will release water and that water will be run until we use our allotment. There will be no "block" releases this year. The District will notify you when the irrigation season will end and deliveries halted. If you do not use your water by the shut-down date, it will stay in the reservoir and be re-allotted to all Project water users next year. You cannot carry a balance of allotted water into next year.

Use your water wisely. Plot your strategy. Do you want to use surface water at the beginning of the season, saving your pumped water until the hotter months if necessary, or do you want to start off pumping and use your surface water later in the season? Each farmer will have to make his own decision on that matter.

Here are some pointers for you to follow during your irrigation to make the irrigation as efficient as possible and to help conserve water:

- Plan ahead for the irrigation.
- Be sure your ditches are clean (free of debris and overgrown vegetation).
- Delivery time = 2 hours per acre (average).
- Do not leave the premises during the irrigation.
- Never leave your turnout unattended.
- Call immediately if you experience a problem or observe illegal actions.

If you see any abuse or unattended irrigations (waterings), do not wait until Monday morning to call. Please call immediately. We have supervisors, ditch riders and dispatchers on duty at all times and we have the Dispatcher on duty. Any one of these can assist you in any given case.

The Sheriff has advised that water theft is a misdemeanor and he will cite offenders who are caught taking water illegally. When something out of the ordinary is happening, contact EBID. If necessary, EBID will contact the Sheriff's Department and request their assistance.