

**ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING  
September 13, 2006**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, September 13, 2006. The meeting was called to order by President James Salopek on a motion by Bill Gary, seconded by Willie Koenig. Motion carried. Robert Sloan was absent.

EBID Staff present were Henry Magallanez, Engineer; Gail Norvell, Controller; EAC Co-Chairs Tom Hansen, Human Resources Director and Linda Armijo, Accounting Assistant; James Narvaez, Hydrology Director, and Valerie Beversdorf, Community Resources/GIS Director.

Also present were Steve Hernandez and Lee Peters, Hubert & Hernandez, P.A; Phil King, Engineering Consultant; Rasool Ahadi, Calvin Chavez and Erik Fuchs, OSE; Fernando Ortiz, City of Las Cruces; Mary Sanchez, NRCS; Diana Alba, Las Cruces Sun News and Marvin Tessneer, Las Cruces Bulletin.

Bill Gary motioned and Robert Faubion seconded to approve the minutes of the August 9, 2006 Board meeting as presented. Motion carried.

Resolution No. 2006-03 – Authorizing Submission of an Application to the Water Trust Board for Financial Assistance for the EBID Drain Storage, Conveyance, and Recharge Project was presented for approval. Joe Nelson motioned and Bill Gary seconded to approve the resolution. Motion carried. This was approved at the August meeting, but a resolution was not presented at that time.

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

	<u>9/01/2005</u>	<u>9/01/2006</u>
Elephant Butte	403,000	331,550
Caballo	<u>19,050</u>	<u>64,300</u>
	412,050	395,850

Mr. Esslinger reported that 200,000 AF went into the Butte during the month of August and 50,000 AF into Caballo. The Manager also said that the water supply was approximately 15% of capacity of the Elephant Butte Reservoir as of the date of the meeting.

Items on the calendar were discussed. Dates include: a BOR workshop in Salt Lake City, Utah September 19<sup>th</sup> and 20<sup>th</sup>; a tour of Delicias Mexico September 28-29; and the NM Water Conference October 2-3.

Henry Magallanez, Engineering Supervisor, asked the board if it would consider having a special meeting to hold a water transfer hearing later in the month of September. The board discussed this and feeling that there was no need to hold a special meeting for water transfer/suspension hearing, Jerry Franzoy motioned and Robert Faubion seconded that the October meeting would be held a week early on October 4<sup>th</sup> in order to accommodate the Water Transfer/Suspension hearing in a timely manner. Motion carried.

Henry Magallanez, presented the special use permits.

1. 06-L-064 – Bernard Jensen; To operate and maintain an existing vehicle bridge crossing on the Three Saints East Lateral at approximate station 6+60. Assessment, \$1,033.16. Request to waive all Fees.
2. 06-L-065 – DAPP, LLC – Vista Bella Subdivision; To upgrade, operate and maintain an existing crossing on the Dona Ana Lateral at approximate station 124+70 for access to a proposed subdivision. Assessment, \$1,106.46.

Roll Call

Minutes Approval

Resolution 2006-03

Water Supply

Calendar

Water Transfer Hearing/Suspension Hearing/Change meeting date

Special Use Permits

Request to waive all fees.

3. 06-L-066 – PAX Investments, LLC./Xavier Jurado; To construct, operate and maintain the installation of approximately 851 feet of pipeline and farm crossing on the Gillem Lateral at various stations. Assessment, \$1,106.46.
4. 06-L-067 – Rio Grande Natural Gas; To construct, operate and maintain a new 2" PE gas line crossing the Leasburg Drain at approximate stations 166+57 and 149+48 for the Greyfox Subdivision. Assessment, \$5,219.49.
5. 06-L-070 – El Paso Electric Co.; To construct, operate and maintain a new aerial electric power line crossing the Eastside Canal at approximate station 474+00 for a new irrigation well for Dominguez Farms. Assessment, \$4,458.19. Request to waive all fees, Farm use.
6. 06-L-071 – Jake Provencio; To operate and maintain an existing 10" PVC irrigation pipe paralleling the East Bank of the La Union Main Canal from approximate station 856+08 to 863+39 for approximately 731 feet. \$3,345.72. Request to waive all fees.
7. 06-L-072 – Triple D Farms; To construct, operate and maintain a new buried irrigation well pipe crossing the La Union West Lateral at approximate station 264+29. Assessment \$814.06. Request to wave all fees, farm use.
8. 06-L-074 – El Paso Electric; To construct, operate and maintain a new aerial electric power line crossing the Hill Lateral at approximate station 0+50. Assessment, \$2,914.58

The following permits are under moratorium:

9. 06-L-068 – To Construct, operate and maintain the installation of a new 10" waterline crossing the Mesilla Lateral at approximate station 406+80. Assessment, \$2,941.58.
10. 06-L-069 – Dona Ana (MDWCA); To Construct, operate and maintain a new 8" PVC water line crossing the Leasburg Drain at approximate stations 166+57 and 149+48 for the Greyfox Subdivision. Assessment, \$5,219.49.
11. 06-L-073 – Town of Mesilla; To construct, operate and maintain a new 6" D.I.P. water line crossing the Mesilla Lateral at Calle Del Sur strapped to an existing bridge at approximate station 203+65. Assessment, \$4,079.03.

Total assessments for all permits: \$ 32,259.22  
Total fees requested to be waived: \$ 9,651.13  
\$ 22,608.09

Following Mr. Magallanez recommended approval of all permits with fees waived 1, 5, 6, and 7. Mr. Magallanez did not recommend that the board waive fees on number 2. Robert Faubion motioned and Joe Nelson seconded to approve the permits as recommended by the Engineer with fees waived on 1, 5, 6 and 7 and waiver of fees denied on 2. Motion carried.

Mr. Magallanez discussed a letter from NM Department of Transportation regarding the Montoya Drain, Sunland Park Drive project and the reinstallation of a culvert that was installed too high. A pipe culvert will be reconstructed this winter after the water is out of the drain. EP#1 will be notified once the pipe culvert has been reinstalled.

Legends West, a new subdivision off Roadrunner on the Mesilla Canal was discussed. Legends West has offered to give the District a piece of land in exchange for permit fees, which are approximately \$14,000. However, it has not been determined who owns the offered piece of land until staff researches the ROW in question. Robert Faubion motioned to table until the next meeting. Motion withdrawn.

Montoya Drain

Legends West  
Subdivision

Henry will proceed with investigation for the next meeting.

The Operations report for the month of August, 2006 was as follows: Farm Deliveries, 623; Acres Irrigated, 15,079; AC/FT Charged to Farmers, 4,850; Actual Total Diversion, 12,496; Allotment Balance, 32,319; Breaks, 1; 2006 Diversion Efficiency 39% as compared to 2005 at 51%. There was one break in August on the La Union West Canal, Dutchover Farm being farmed by Wade Deerman. There was no claim for damages. The total number of ditch breaks for 2006 to date is 8. Mr. Bejarano reported that water had been shut down three times during the month of August for one week each time due to excessive rain events.

Operations  
Report

James Narvaez gave the Hydrology report for the month of August, 2006. The report is as follows: Orders totaled 179,782; Actual Diversion was 177,826; Using -1,956 AC/FT; Estimated Carriage Losses were 31,971; Adjusted Diversion 145,854; Diversion vs. Order was -1.1%; Total Spill was 6,541, % of Diversion Spilled was 3.7%, Charged to Farmers, 74,224; and Delivery efficiency, 41.7%.

Hydrology  
Report

Mr. Narvaez showed reports for rain flow during the August flood events and a rain gauge summary showing monthly averages by location. 2006 yearly rainfall to date ranged between .13 in San Miguel to 10.84 in Mesquite.

The ending date for the 2006 irrigation season was once again discussed. It was decided to extend the last order date to the 29<sup>th</sup> of September at 12:00 noon and the ready date could extend out to October 6<sup>th</sup>.

End of Irrigation  
Season

Mary Sanchez of the NRCS was present to discuss the NRCS Emergency Watershed Protection Program. The program would supply up to 75% of the construction cost of emergency measures or up to 90% in limited resource areas. The remaining cost-share must come from local sources and can be in the form of cash or in-kind services. IBWC, DAC, Hatch, EBID, State of NM have an interest in protecting the valley and could be joint sponsors since they all have ROW across the Placitas. It was doubtful that the District would be reimbursed for any of the work it had done on the Placitas due to the fact that the NRCS program criteria is full of bureaucratic red tape and restrictions and NRCS must be notified in advance of any emergency work to be done before it will provide funding.

NRCS  
Emergency  
Watershed  
Protection  
Program  
Presentation

Gail Norvell, Controller, discussed the ISC Reloan Program. It is now time to renew the reloan agreement on the loan. The agreement would allow \$1.7 million for water metering only. The loan must be used by December 31<sup>st</sup> for all meter requirements. The loan will not consider any type of telemetry and it is also very restrictive and cumbersome for a farmer to borrow the money. Jerry Franzoy motioned and Robert Faubion seconded to deny the District's participation in the ISC Reloan Program. Motion carried.

ISC Reloan  
Program

Gail Norvell, Controller, presented the Financial Fact Sheet for the month of August, 2006. The fact sheet is as follows: Cash in the bank totaled \$252,779; assessments receivable totaled \$288,628; and investments totaled \$2,703,579 for a grand total of \$3,244,987. This figure reflects an increase in assets of \$497,053 over July of 2005. Special use fees collected were \$1,454. Conserved water sales year to date is \$65,297 as compared to \$142,399 in August of 2005.

Financial Report

Also presented were the financial statements for July, 2006.

Tom Simpson motioned that employees be commended for their work in the Hatch and Leasburg flooding incidents. Robert Faubion seconded the motion. The manager said to wait as there would be further discussion later in the meeting. Motion and second were both withdrawn.

Ms. Norvell discussed the amended FY 06 budget. This matter was tabled until such time as a Budget Committee meeting could be held. A Budget Committee Meeting

FY 06 Budget  
Amendment

was scheduled.

The NM State Fair was discussed. The District was asked to put in a \$500 sponsorship for the Fair. Jerry Franzoy so moved and Willie Koenig seconded to sponsor the fair in the amount of \$500. Motion carried.

NM State Fair  
Sponsorship

The Manager and the EAC gave reports on the flooding events in Hatch and Leasburg. EBID pumped Hatch out for 3.5 days and reinforced the bank on Hatch side of Placitas Arroyo after the first break. Many employees were also involved in the rescue of flood victims. Jerry Franzoy said that EBID saved Hatch from 2 other floods by their bank reinforcement on the Hatch side of the arroyo after the first flooding. During the last flood on August 29<sup>th</sup>, EBID pumped flood water off farm land for 4-1/2 days. Senator Domenici indicated that he would be sending letters of gratitude to all employees involved in the floods.

Hatch flooding  
report

It was estimated that 7,500-10,000 CFS flowed into Hatch on first event. The CORP figures there was more like 12,000 CFS. In the 3<sup>rd</sup> event over 10,000 CFS flowed through the Placitas again. It was reported that all of this water had made its way into the river, major flooding would have occurred downstream. The river channel capacity is only 11,000 CFS and the river could not have handled that much water.

Mr. Esslinger reported on the new FEMA classifications for IBWC river levies which were triggered by the July 27 and August 4 storms in El Paso. The IBWC levy system is not up to the new certification requirements which were put into effect after hurricane Katrina and the destruction of New Orleans in 2005. The Katrina Act triggered new criteria. The Rio Grande from Caballo to Fort Quitman is not up to the standards of the Katrina Act. It would cost \$20 mil + to fix the levies now and FEMA will not recognize the levy system in their flood insurance inundation maps until they are certified.

Linda Armijo and Tom Hansen gave the Employee Advisory Committee (EAC) update. The report from the EAC meeting held July 19<sup>th</sup> was presented.

Employee  
Advisory  
Committee  
Update

Linda reported on EAC's work in Hatch to keep the field kitchen open. She also reported on funds donated to Joseph Karpac and Leo Barrett though employee generosity and thanked Gary Esslinger on behalf of the employees for his leadership during this disaster. Special thanks went to employees' families, farmers, and shop keepers in the Hatch area for feeding EBID personnel and seeing to their comfort while they were working in the Hatch area.

Steve Hernandez, Hatch City Attorney, said that the City government appreciates everything that EBID did for them. He said that there was nothing but compliments to EBID from the Hatch City Council.

Ms. Armijo reported that the EAC had submitted their budget requests for the 2006-07 FY Budget. Requests by the EAC were:

- Three percent (3%) cost of living increase in wages across the board to begin November 12, 2006. The cost of living increase in wages would be in addition to merit increases to be given to an employee based on his/her evaluation.
- One additional paid holiday to be observed by all EBID employees
- Increase in annual leave of two (2) additional days.
- Increase in sick leave of one (1) additional day.
- \$200 Christmas bonus for all employees.

The idea of boot replacement for employees whose boots were ruined in the flood waters was discussed. It would cost approximately \$1800 to replace boots for those employees. Robert Faubion motioned and Bill Gary seconded to give a boot

Boot  
Replacement

allowance in the amount of \$75 all to employees whose boots were destroyed during the flooding in Hatch. Motion carried.

Gary Esslinger gave the Manager's report. Items discussed include:

The Manager discussed the SAHRA Conference to be held in Phoenix, Arizona in October. Bill Gary motioned and Robert Faubion seconded not to send Gary Esslinger to this conference since it was not related to irrigation district needs. Motion carried.

Mr. Esslinger announced that he had sent in his resignation as the Dona Ana County Flood Commissioner due to conflicts with EBID and the DAC Flood Commission. John Allen, Cesar Ramos and Fernando Cadena are among candidates to fill the position vacated by Mr. Esslinger.

Robert Faubion motioned to recognize employees for their efforts that led to the work getting done during the hatch flooding events. Tom Simpson seconded the motion. Motion carried. Mr. Faubion said that our employees are a reflection on EBID and the Board wants to recognize the work done as more indicative of the caliber of the EBID employees. He said that the quality of work was due to the individual employees and that they went above and beyond the call of duty.

Phil King and Henry Magallanez gave a report to the board on their trip to China.

Bill Gary motioned and Jerry Franzoy seconded that the board take a break for lunch. Motion carried. Following lunch, Bill Gary motioned and Tom Simpson seconded that the meeting be reconvened. Motion carried.

The Garfield Dam Rehab Agreement was discussed. The NM OSE/Dam Safety Bureau had approved the NRCS project and committed 25% to the rehab. The sponsors would come up with the 10% match. Little or no out of pocket money will be charged to the sponsors. Jerry Franzoy motioned and Robert Faubion seconded to approve The Garfield Dam Agreement subject to final legal review. Motion carried.

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:

Threat of Texas/NM Supreme Court Action; LRG Stream Adjudication Case, AWRM; Metering Order; 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; SHPO MOU (tabled); and Telecommunication Act and Qwest Fees Dispute.

Bill Gary motioned and Willie Koenig 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 Jerry Franzoy seconded to adjourn the meeting. Motion carried.

The next meeting of the Board will be held on Wednesday, October 4, 2006

Manager's Update

SAHRA Conference

Flood Commissioner Resignation

Employee Recognition

China Trip Report

Lunch Break

Garfield Dam Agreement

Closed/  
Open Session

Adjourn

Next Meeting