

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
June 14, 2006**

<p>The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, June 14, 2006. The meeting was called to order by President James Salopek on a motion by Bill Gary, seconded by Willie Koenig. Tom Simpson was absent.</p>	Roll Call												
<p>EBID Staff present were Henry Magallanez, Engineer; Gail Norvell, Controller; EAC Co-Chairs Tom Hansen, Human Resources Director and Linda Armijo, Accounting Assistant; Henry Magallanez, Engineer; Sherryl Smith, Land Specialist; Ricardo Bejarano, Water Master; James Narvaez, Hydrology Director; Ron Mears, IT Director.</p>													
<p>Also present were Steve Hernandez and Lee Peters, Hubert & Hernandez, P.A; Phil King, Engineering Consultant; Rasool Ahadi and Erik Fuchs, OSE; Jerry Acosta, constituent; and Marvin Tessneer, LC Bulletin.</p>													
<p>Willie Koenig motioned and Bill Gary seconded to approve the minutes of the May 10, 2006 Board meeting. Motion carried.</p>	Minutes Approval												
<p>Willie Koenig motioned and Joe Nelson seconded to approve the minutes of the May 10, 2006 Water Transfer Hearing. Motion carried.</p>													
<p>Willie Koenig motioned and Bill Gary seconded to approve the minutes of the special closed session board meeting with the Office of the State Engineer held on May 30, 2006 in Albuquerque. Motion carried.</p>													
<p>The water supply outlook was presented. The storage totals on June 1, 2006 with a comparison for last year are as follows:</p>	Water Supply												
<table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;"><u>06/01/2005</u></th> <th style="text-align: center;"><u>06/01/2006</u></th> </tr> </thead> <tbody> <tr> <td>Elephant Butte</td> <td style="text-align: center;">452,920</td> <td style="text-align: center;">305,060</td> </tr> <tr> <td>Caballo</td> <td style="text-align: center;"><u>50,340</u></td> <td style="text-align: center;"><u>53,120</u></td> </tr> <tr> <td></td> <td style="text-align: center;">503,260</td> <td style="text-align: center;">358,180</td> </tr> </tbody> </table>		<u>06/01/2005</u>	<u>06/01/2006</u>	Elephant Butte	452,920	305,060	Caballo	<u>50,340</u>	<u>53,120</u>		503,260	358,180	
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Elephant Butte	452,920	305,060											
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<p>Items on the calendar were discussed. Dates include: June 20, AWRM Negotiations meeting in Las Cruces; June 22, Water Operations Meeting at EBID; July 4th, Independence Day holiday; and July 25-27, NWRA Conference in Park City Utah. The next meeting of the Board will be July 19, 2006.</p>	Calendar												
<p>Linda Armijo and Tom Hansen gave the Employee Advisory Committee (EAC) update.</p>	EAC Report												
<p>Due to the Irrigation season being in force, meetings have been light in attendance. The EAC will get back on schedule when the maintenance season begins this fall.</p>													
<p>James Salopek asked about the EAC's request for information on supplying uniforms for employees. It was felt that even though EBID would pay the enrollment fee, employees were not willing to pay the cost of maintaining their monthly uniform contract. So the matter was dropped.</p>													
<p>Mr. Esslinger discussed a bill for NWRA Irrigation Caucus dues. Willie Koenig motioned and Bill Gary seconded to pay the dues. Motion carried. Dues will be paid in the amount of \$960.40.</p>	NWRA Irrigation Caucus Dues												
<p>Mr. Esslinger discussed the matter of his resignation as the Dona Ana Flood Commissioner due to conflicts with EBID. A letter of resignation will be sent to the Governor.</p>													
<p>The Hydrology report is as follows: Orders totaled 90,783; Actual Diversion was 90,241; Using 542 AC/FT; Estimated Carriage Losses were 16,155; Adjusted</p>	Hydrology Report												

Diversion 74,086; Diversion vs. Order was 0.6%; Total Spill was 3,082, % of Diversion Spilled was 3.4%, Charged to Farmers, 37,902; and Delivery efficiency, 42.0%. We should finish the 2006 irrigation season at the end of August, 2006. EP #1 will try to water through September. The BOR will close the gates August 31st.

The Operations report for the month of May was as follows: Farm Deliveries, 2,302; Acres Irrigated, 34,039; AC/FT Charged to Farmers, 13,137; Actual Total Diversion, 39,340; Allotment Balance, 142,942; Breaks, 1; Run over, 0; 2006 Diversion Efficiency 33% as compared to 2005 at 40%. There was one break in May on the East Side Main Canal onto the property of Isaack Dominguez. There was no claim for damages.

Operations
Reports

Mr. Esslinger discussed the Water Masters meeting that took place in El Paso on June 13th. Recommendations from that meeting were the need for more patrolling by EBID Operations, checking the water up rather than dumping, and conserving as much water as possible by ordering less carriage. A letter will be sent to EP#1 regarding the issue that EP#1's water is not showing up in the river below Mesilla Dam and the concern that the dialogue between EBID and EP#1 at the operations level is growing increasingly unconstructive. Under current allocation and operations procedures, EP#1's order is not counted in the river below Mesilla. Their order is to be counted at their diversion points below Anthony. Several accretions occur between Mesilla Dam and American Dam that contribute to meeting EP#1's order.

Bobby Sloan presented a list of questions that he gathered from constituents concerned over the allotment. His concern was that farmer's were still allowed to place an order if they had already used there 14 inch ac/ft allotment. The minutes from May were discussed again. It was determined that staff had not flagged the accounts and that it would be initiated immediately. A special water allotment announcement will be sent out clarifying the allotment ordering procedure. Discussion then turned to the opportunity of increasing the allotment. It was determined that the allotment would remain at 14 inches and that there would be a date in which water not ordered would be put in the conservation pool for farmers to purchase on August 1st. Bobby Sloan motioned to hold the allocation to 14" and cap at 16" and that a special letter be sent to all constituents. Robert Faubion seconded the motion. Motion carried. The letters to constituents are attached.

Henry Magallanez presented the following special use permits:

Special Use
Permits

Under Moratorium:

1. 06-L-035 – Jornada Water Co.; to construct, operate, and maintain a new buried 10" water line crossing the Louisiana Lateral at approximate station 38+84 and the Mesilla Drain at approximate station 153+68. Assessment, \$6,816.28
2. 06-L-036 – Jornada Water Co.; to construct, operate, and maintain a new buried 10" water line crossing the Mesilla Lateral at approximate station 391+25. Assessment, \$2,859.84.

Total Assessments under Moratorium; \$9,676.12

Non-Moratorium:

3. 06-L-037 – El Paso Electric Co.; To construct, operate and maintain a new aerial electric power line crossing a portion of the Del Rio Lateral at approximate station 192+78 for an irrigation well for Salopek Foundation. Assessment, \$1,580.49. Waived all fees, \$1,580.49 – farm use.
4. 06-L-038 – Comcast Cable; to construct, operate and maintain a new aerial communication cable line crossing the Mesilla Lateral at approximate station 180+01 and the Mesilla Drain at approximate station 209+64. Assessment

\$8,278.40.

5. 06-L-039 – Ludwig Farms; to operate and maintain existing harvest gates on the west bank of the west drain at approximate station 1020+10 for crop protection. Assessment \$1,137.48. Waive all fees, \$1,137.48. Waive all fees, \$1,137.48.

Total Assessments: \$10,996.37. Total fees waived: \$2,717.97.

Upon recommendation of the District Engineer Henry Magallanez, Robert Faubion motioned and Bill Gary seconded to approve all presented licenses with fees waived on license numbers 06-L-037 and 06-L-039. Motion carried.

Sherryl Smith, Land Specialist, presented the stacking applications. Total acres to transfer and stack were 109.55. Bill Gary motioned and Joe Nelson seconded to approve the stacking applications. Motion carried.

Stacking
Applications

Discussion was had on the agreement with the NRCS, DAC Flood Commission and EBID on the rehab and upgrade of the Garfield Dam to protect the town of Garfield and a school that lies within the flood plain. The scope of work includes enlarging the outlet pipe. EBID is obligated to take care of the problem, but cost concerns were an issue. Jerry Franzoy stated that he does not agree with enlarging the outlet as the water will then overflow the channel. Robert Faubion motioned and Joe Nelson seconded to approve the agreement. Motion carried.

Garfield Dam

Mr. Magallanez discussed a matter from Mr. Crosset requesting a variance for the TDS on an irrigation pump discharge. Mr. Crosset is asking for this variance for his personal use to irrigate his crops. Mr. Crosset is at the end of the system and then flows into a drain. Mr. Magallanez recommended approval due to Crosset's location. Robert Faubion motioned and Robert Sloan seconded to approve the variance contingent upon there being no exchange of water and that he is using a dry canal for his own personal use. Motion carried.

Variance to
TDS
Discharge
from
Irrigation
pump

In the matter of Special Use Permit 2006-L-007, Rafter/Lack, there has been a request to waive all fees in the amount of \$1013. These fees are for 10 years land use fee. Lack feels that the fee is excessive and asked to have the fees waived. Mr. Magallanez said that this line is now buried and was a flume at one time, so it is a benefit to the District. Robert Faubion motioned and Robert Sloan seconded to waive fees. Motion carried.

Rafter/Lack
permit fees

Mr. Jerry Acosta came before the board to discuss a problem with property purchased in Hatch, NM following the David Holguin bankruptcy. The Acostas purchased the property from the Steinhaus estate with money owing for 2003-2006 taxes. The Acostas felt that since EBID did not lay claim to these delinquent taxes during the bankruptcy, that they should not be responsible for payment of the back taxes for 2002-2005. The Board agreed to drop the taxes for the 2003-2004 taxes and that the Acostas would pay for the 2005-2006 assessment. The money not owed to EBID would need to be handled privately between Acosta and Steinhaus. Bill Gary motioned and Robert Sloan seconded that the District treat this matter the same as the Avalos request from the May, 2006 meeting. Motion carried.

Acosta -

Gail Norvell, Controller, presented the financial fact sheet for the month of April, 2006. The fact sheet is as follows: Cash in the bank totaled \$163,041; assessments receivable totaled \$420,560; and investments totaled \$4,659,810 for a grand total of \$5,243,410. This figure reflects an increase in assets of \$1,224,317 over April of 2005. Extraordinary costs were to H&H, PA for legal fees, \$30,755. Special use fees collected were \$7,964.

Financial
Report

Also presented were the financial statements for April, 2006.

Willie Koenig motioned and Bill Gary seconded that the Board break for lunch.

Lunch Break

Following lunch, Willie Koenig motioned and Bill Gary seconded that the meeting be reconvened. Motion carried.

Jerry Franzoy 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 (tableted); and Telecommunication Act and Qwest Fees Dispute.

Bill Gary motioned and Robert Faubion seconded to return to open session for lunch. 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, Jerry Franzoy motioned and Robert Sloan seconded to adjourn the meeting. Motion carried.

The next meeting of the Board will be held on Wednesday, July 12, 2006

Closed/
Open Session

Adjourn

Next Meeting

JAMES SALOPEK, President

BOBBY SLOAN, Secretary

