

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
March 12, 2008**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, March 13, 2008. The meeting was called to order by President James Salopek on a motion by Willie Koenig, seconded by Robert Faubion. Motion carried. All members were present

Roll Call

EBID Staff present were Gail Norvell, Controller; Henry Magallanez, Engineer; James Narvaez, Hydrology Director; Leo Barrett, Project Maintenance Director; Valerie Beversdorf, CR-GIS Director; Richard Bejarano, Water Master; Tim McKimmee, Constituent; Hillary Brinegar, New Mexico Dept. of Ag; Diana Alba, Las Cruces Sun News; and Marvin Tessneer, The Bulletin.

Also present were Steve Hernandez, Hubert & Hernandez, P.A; Phil King, Hydrology Consultant; Ron and John Hernandez, Environmental Consultant.

Willie Koenig motioned and Robert Faubion seconded to approve the minutes of the February 13, 2008 Board meeting as presented. Motion carried.

Minutes
Approval

Joe Nelson motioned and Robert Sloan seconded to approve the minutes of the suspension and transfer hearing, 2008-S&T-02. Motion carried.

The water supply outlook was presented. The storage totals on March 1, 2008 with a comparison for last year are as follows:

Water
Supply

	<u>3/01/2007</u>	<u>3/01/2008</u>
Elephant Butte	599,600	481,920
Caballo	<u>56,530</u>	<u>40,950</u>
	636,130	522,870

Items on the calendar were discussed. Dates include: A meeting with the NMSU Board of Regents on March 10th; The RGCC annual conference in Santa Fe, March 26-17; and the NRWCA Conference in Washington, DC April 14-16.

Calendar of
Events

The next meeting of the Board of Directors will be held on Wednesday, April 9, 2008.

Henry Magallanez, District Engineer, presented the special use permits as follows:

Engineering
Report

Non-Moratorium -

1. 07-L-092—Dona Ana (MDWCA); To construct, operate and maintain a new 8" sewer force main paralleling the west bank of the Dona Ana drain for approximately 4000 ft.-crossing the Dona Ana drain at approx station 314+81 and crossing the Dona Ana lateral at approx station 192+00. \$8,100.74.
2. 08-L-001 – Dona Ana County; to construct, operate and maintain a new buried 48" storm sewer line crossing under the Anthony lateral at approximate station 118+20 and into the East Drain at approximate station 391+00. \$\$4,625.20. Request to waive all fees.
3. 08-L-002 – Rio Grande Natural Gas; to construct, operate and maintain a new buried gas line crossing the Mesilla Lateral at approximate station 59+50. \$2,312.60. Blanket Agreement.
4. 08-L-008 Rio Grande Natural Gas; to operate and maintain an existing buried gas line crossing the School lateral at approximate station 9+07. \$1,763.96. Blanket Agreement.
5. 08-L-004 – Ysidro Lopez; to construct, operate and maintain a new buried waterline crossing the California lateral at approximate station 83+62. Assessment, \$2,038.28.

Total assessments for all permits = \$18,840.78

Total fees requested to be waived = \$ 8,701.76

\$10,139.02

Engineering recommended approval of all of the above permits. Robert Faubion motioned and Bill Gary seconded to approve the permits as presented. Motion carried.

Mr. Magallanez gave the Engineering Department report:

- On the matter of the Helena Drain crossing, Henry reported that he is waiting for a reply from Dona Ana County. Henry also stated that Helena had not applied to DAC road Department for a request to use Sequoia Road as an alternative access to their property. The matter was tabled.
- Regarding the gauging station at Mesilla Dam, Phil King and James Narvaez are looking into this. The gauging station is not in the right location, and they

Helena Drain
Crossing

Mesilla Gauging
Station

<p>will ask the Bureau to move it to a new location downstream. It will be upgraded to remote control cableway metering points and perhaps do away with the meter cart for safety reasons. Sonar gauging technology is now available and this may also be recommended for a new measuring site.</p>	
<ul style="list-style-type: none">• Qwest Fee Amendment – Mr. Magallanez presented an amendment for the fee schedule with Qwest. This amendment is for clarifying terms only. Legal and staff have recommended approval of the amendment to the Qwest fee schedule. Willie Koenig so moved and Jerry Franzoy seconded. Motion carried.	Qwest Fee Amendment
<ul style="list-style-type: none">• Mr. Magallanez talked briefly on Mesilla Dam withdrawn land. A portion of the land would be used for regulating reservoir prior to relinquishing another portion of land to NM State Parks. EBID staff and the BOR will be reviewing and getting licenses. This area will be fenced and gated. Perhaps surveillance cameras in the area.	Mesilla Dam Withdrawn Lands
<ul style="list-style-type: none">• Mr. Magallanez discussed the an encroachment agreement for land adjacent to the Picacho drain which is on EBID right-of-way. EBID has no problem with this encroachment. Mr. Magallanez recommended approval of the Encroachment Agreement. Motion by Joe Nelson, seconded by Bill Gary. Motion carried.	Encroachment Agreement
<ul style="list-style-type: none">• On the matter of the Mesilla Valley Bosque State Park Special Use Permit No 2006-T-034, Mr. Magallanez recommended that this matter be tabled until Legal staff finishes researching the matter and responding to MVBSP. No action was taken at this point. Tabled.	Bosque St Park SUP
<p>Leo Barrett, Maintenance Project Director gave the Maintenance Report. He reported that all maintenance jobs that needed to be done prior to the start of the 2008 irrigation season were completed. Crews are working on spraying Roundup on the canals before water season. Two of the Maintenance Support personnel are attending training in Roswell for DOT licensing for their applicators licenses to give the district board coverage to apply herbicides.</p>	Maintenance Report
<p>James Narvaez gave the Hydrology update. The District was operating at 38% efficiency and that was strictly the Arrey system. He discussed the Radio Telemetry Unit (RTU) Fact Sheet. RTU's that have been installed throughout this past winter cannot be calibrated without water flow and volume. Now that the water is flowing, this can be done. Hydrology is on schedule and will meet with OSE to ensure the proper installation and coordination of installed meters on wells. Mr. Narvaez said that Hydrology is doing prep work for the new shipment of RTU's that will be arriving in advance of installation so that the transition will be efficient.</p>	Operations Report
<p>Phil King reported that 154 percent of normal water supply was in upper RG Basin. Dr. King recommended staying at the 18 inch allotment until runoff occurs. Sublimation is a possibility and he would not recommend that we increase the 18 inches right now until runoff and reservoir storage increases.</p>	Water Allocation
<p>Tim McKimmee, an EBID Constituent who is a flat rater and is requesting nine irrigations and a charge of 4" rather than a 6" charge. McKimmee felt it would not be possible to do nine irrigations with the first flat rate irrigation being scheduled mid April. He asked that the District start earlier with the flat rate irrigation schedule. Phil King said that the District had done a study last year and discovered that the average flat rate irrigation charge was six inches. The District will do another round of metering during the first flat rate irrigations this season. Phil explained that the District may not see 3 acre feet this year and that we can only offer three irrigations right now and possible increase the small tract irrigations later in the season. At this point there are three flat rate irrigations scheduled; one each in April, May and June. Mr. McKimmee finished by asking that the District revise the schedule so that there can be an opportunity to put in more irrigations. The Board took his request under advisement and would request from staff further studies on the small tract changes and irrigation schedule.</p>	Flat Rate Concern
<p>Gail Norvell gave the her department report</p>	Controller's Report
<ul style="list-style-type: none">• The Financial Fact Sheet for the month of February, 2008 is as follows: Cash in the bank totaled \$154,113; assessments receivable totaled \$1,747,250; and investments totaled \$5,888,119 for a grand total of \$7,789,752. This amount reflects an increase in assets of \$556,140 over February, 2007. Extraordinary costs were: Legal Fees, \$30,318. Extraordinary receipts were: Special use fees \$9,381. Also presented was the financial statement for February, 2008.	Financial Report
<ul style="list-style-type: none">• Ms. Norvell discussed the proposal on the development plan for Tortugas Dam acreage. Tom Simpson said that the District should pursue other developers who might be interested, and said it could be costly, but this has huge potential for the District's additional revenue stream. Motion to pursue extensively with publications by Tom Simpson. Robert Faubion seconded. Motion carried. Ms. Norvell said that they would also do invitation for quotes for survey and appraisal and seek professional service contracts for the necessary work that goes along with the development.	Tortugas Dam Acreage

- Ms. Norvell discussed the well metering program. To date she has signed up approximately 30 persons for low cost metering loans.
- Ms. Norvell discussed the BOR's estimated O&M costs for FY 2009. She said she had not had time to do extensive review yet. She will have more details next month.
- Ms. Norvell reported that of the \$1,294,777 estimated budget, \$832,762 had been expended through February, 2008 leaving \$462,000 to spend. She said that the District has received \$700,000 to date in reimbursements. Maintenance is in the process of finishing projects that will be extended because of maintenance schedules. Staff will send to FEMA for review of those projects and will also tour with FEMA those projects completed.

Well Metering Program
BOR O&M Budget

FEMA Update

John Hernandez, Environmental Consultant updated the board on Environmental concerns.

Environmental Update

- Parasol Dairy's application for groundwater permit was denied. That being said, the dairy will have to pick another site to set up operations or appeal the discussion.
- Sunland Park North Wastewater Treatment Plant Improvements – The City of Sunland Park is proposing to improve the Sunland Park North Wastewater Treatment Plant. Molzen-Corbin and Associates will prepare a preliminary engineering report for this effluent reuse system EBID should be concerned about this development and comment on the negative impact to the area if illegal discharges or operation failure caused sewage to enter the river or drain system

Parasol Dairy

Sunland Park WW Treatment Plant

Gary Esslinger gave the managers update. Topics discussed were as follows:

Managers Update

- NRCS Operation and Maintenance Agreement on ownership/sponsorship of Dams. The manager was given permission to sign or deny the maintenance contract once legal staff determines we are able to do so. The attorneys still researching to make sure the O&M contracts dams are proper and that legal ownership and liability are confirmed. The District is looking for flexibility to capture water, but also want others to share in the cost to rehabilitation. Gary reported that he has staff working on setting up files on all dams. Once this is done, we will be able to get a handle on what we can use to capture flows. Flood control dams will be more important in the future. Jerry Franzoy motioned to give the attorneys a chance to finish their research and then give the Manager permission to sign the contracts if applicable. Robert Faubion seconded. Motion carried.
- Family Farm Alliance is asking for donor support in lieu of sending flowers in the sudden death of the FFA director's father. Ramon Alvarez motioned and Robert Faubion seconded to send \$100 to the FFA as a donor/supporter. Motion carried.
- Legislative update – SB 471 – The Sam Safety Center Bill - which was submitted by Phil King was passed in the amount of \$200,000. They had asked for \$500,000. The District put in a companion bill for \$500,000 as a capitol outlay request to study flood control dams to capture water. Phil's bill was awarded \$200,000 for studies and to work with EBID for the dams' improvement. Gary said that this is a kick start on the flood control projects and next year Phil and he will be more prepared. NRCS, OSE and Dam Safety Bureau will all work together on this concept.
- Bingaman's Secure Water Act was discussed. The District has put storm water gauging and telemetry on arroyos; i.e. the Placitas and Rincon to obtain data to take to Bingaman to prove the District's ability to capture and reuse storm water. The Maintenance Department has poured concrete structures inside the prism of these arroyos that will send data to telemetry for documentation of the actual flow coming from the arroyos into the river. The project will include weather stations in the watersheds to predict the intensity of the storms that will include early warning devices to prepare the communities that could be flooded.
- IBWC Canalization Project – Gary Esslinger and Phil King are working with World Wildlife Fund to upgrade and re-evaluate hydro and previous models for the draft EIS. The Army CORP is doing studies and is more knowledgeable than engineers from other areas who are not familiar with this river reach. There will be public meetings held and a Record of Decision will be announced that hopefully everyone can agree to.

NRCS O&M on Dams

FFA Sponsorship

Legislative Update

Secure Water Act

IBWC Canalization Project

The Board discussed giving a token of appreciation a chrome plated shovel, to the Rio Grande Compact Commissioner for acting as a mediator in the negotiations with Texas District and the BOR on the Compromise Settlement and Operating Agreement. Tom Simpson motioned that the Manager use the shovel as the proper token of appreciation to be presented to Commissioner Pat Gordon at the Rio Grande Compact Commission meeting later this month. The board also offered a resolution on behalf of the Board to recognize Mr. Gordon's accomplishments. Tom Simpson motioned and Robert Faubion seconded. Motion carried. Board Resolution No. 2008-02 reads as follows:

Pat Gordon Resolution

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Elephant Butte Irrigation District, that the "Tex Commish" is hereby named an honorary farmer within the Elephant Butte Irrigation District for his artful form of using his shoveling technique as the negotiations piled higher in resolving the 29 year old operating agreement.

As an honorary farmer of EBID, and along with western irrigation practice, we hereby acknowledge

'IT'S BETTER TO HAVE A SHOVEL AT THE HEAD OF THE DITCH
THAN A WATER RIGHT AT THE TAIL END".

PASSED BY THE BOARD this 12th day of March, 2008.

Robert Faubion motioned and Tom Simpson seconded to break for lunch. Following lunch, Robert Faubion motioned and Robert Sloan seconded to reconvene. Motion carried.

Lunch Break

Willie Koenig 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:

Closed/
Open Session

- *State ex rel. D'Antonio vs. EBID (Stream Adjudication)
- *AWRM – LRG Basin Specific Regulations Dispute
- *EBID vs. United States BOR: (U.S.Dist.Ct.NM) No. CIV 00-1309.
- *EBID vs. United States BOR and N.M. St. Parks(U.S.Dist.Ct.NM)No CIV 90-95
- *EP#1 vs. EBID and BOR (U.S.Dist.Ct.Texas) No. CIV EP 07CA0027
 - Compromise and Settlement Agreement
 - Payment of Mediator Expenses
- *Qwest vs. EBID, 07-CIV-163, LRR 266

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.

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

Adjourn

JAMES SALOPEK, President

WILLIE KOENIG, Secretary