

**ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING  
September 9, 2009**

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The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, September 9, 2009. The meeting was called to order by President James Salopek on a motion by Joe Nelson, seconded by Ramon Alvarez. Motion carried. Tom Simpson, Bill Gary and Jerry Franzoy were absent.

Roll Call

EBID personnel present were Ricardo Bejarano, Water Master; Henry Magallanez, Engineering Supervisor; James Narvaez, Hydrology Director; Gail Norvell, Controller; Anjeanette Carlson, Land Water Analyst; and Leo Barrett, Maintenance Projects Director.

Also present were Steve Hubert and Lee Peters, Hubert & Hernandez, P.A; Phil King, Hydrology Consultant via phone conference; Eric Fuchs, OSE; Andy Hume, CLC MPO; Marcy Driggers, City of Las Cruces; Adrienne Widmer, City of Las Cruces Legal; Mariano G. Martinez and Jim Robles, Dona Ana MDWCA; Sammie Singh, Constituent; Rolf Hechler, US Fish and Wildlife; and Marvin Tessner, The Bulletin.

Rules of Conduct for Public Meeting and Participation Policy, Admin 2009-9, was presented for Board approval. Robert Faubion motioned and Robert Sloan seconded to approve the policy. Motion carried. These rules will be followed at all meetings of the Board of Directors.

Policy Admin  
2009-9 Rules  
of Conduct

Joe Nelson motioned and Robert Faubion seconded to approve the minutes of the August 12, 2009 meeting. Motion carried.

Approval of  
Minutes

Robert Sloan motioned and Ramon Alvarez seconded to approve the minutes of the Water Transfer hearing, 2009-S&T-8, as presented. Motion carried.

The water supply outlook was presented. The storage totals for September 1, 2009 with a comparison for last year are as follows:

Water  
Supply

	<u>9/01/2008</u>	<u>9/01/2009</u>
Elephant Butte	575,060	466,260
Caballo	<u>56,860</u>	<u>34,445</u>
Total Storage	631,920	500,705

Items on the calendar were discussed: A meeting with the City of Las Cruces regarding EBID/CLC issues on September 17; a tour of Leadership Las Cruces given by EBID on September 18; RG Salinity Management Coalition Meeting at the NM Farm Ranch on Sept. 22; The Multi State Salinity Coalition in Indian Wells, California on September 29-30; and the WESTCAS Fall Conference, Tucson, AZ on October 28-29.

Calendar of  
Events

Henry Magallanez, Engineer, presented the special use permits for the month of October, 2009.

Special Use  
Permits

Non-Moratorium:

09-L-042 – El Paso Electric; To construct, operate and maintain a new aerial electric powerline crossing the Picacho "C" Lateral wasteway 39C at approximate station 5+00. Assessment, \$2,916.67

Total Assessments, Non-Moratorium: \$2,916.67.

Moratorium:

09-L-043 – Dona Ana County; To construct, operate, maintain anew buried storm water discharge pipe on the East Bank of the Mesquite Drain at approximate station 227+30. Assessment, \$3,166.67.

Total Assessments, Moratorium: \$3,166.674



of the District's allocated water was delivered when the final stats are in. He commented that this may be highest since 2003 drought, and that with hard work, we had finished in style.

When all the stats are in, there will be approximately 6,000 AF to start next year. It was Phil's recommendation that we shut down and save the water for next year's use.

Questions were asked by the Board on how the final irrigation went with the flat raters. Richard reported that about 40% of the irrigations were done at night. Willie Koenig and Robert Faubion commented that it worked well and there had been good communication with the Ditchriders. This matter will be discussed again and possibly modifications can be made to future flat rate schedules giving an extra irritation for good efficiency and perhaps opportunities to irrigate at night. This will be addressed in February or March of 2010 before flat rate weekend schedules are determined.

The Hydrology Department report for August was not available at the September meeting. It will be reported after the final figures are received at the October meeting of the Board.

Gail Norvell, Controller, gave the financial report. The Financial Fact Sheet for the month of August, 2009, is as follows: Cash in the bank totaled \$377,987; assessments receivable totaled \$374,681; and investments totaled \$2,578,021 for a grand total of \$3,330,689. This amount reflects a decrease in assets of \$(255,893) over August, 2008. No extraordinary costs were presented. Extraordinary receipts were: Special use fees \$19,739. Also presented was the financial statement for the month of July, 2009.

Gail reported that she is still working on the FEMA reimbursement requests. Field physical inspections are completed, and review and audit of paperwork is in process.

Gail reported that the District is continuing with IT development of Project Management and the software program is to be implemented.

Gail updated the Board on the EAC. She said that the committee welcomed new members to the committee. Safety vests and hard hats with logos have been purchased and will be assigned to EBID employees. These highly visible vests will improve employee morale and visibility and identification.

Gary Esslinger gave the manager's update. Topics discussed were:

- The NWRA conference to be held in November in San Antonio, Texas. James Salopek, Gary Esslinger and Steve Hernandez attend this conference. Ramon Alvarez motioned and Robert Sloan seconded to send three people to the conference. Motion carried.
- New Mexico Water Conference, October 15-16, Isleta Casino, Albuquerque. The Board was to let the Manager know if they were interested in attending.
- The Low-head power project update on Drop 8 on the Westside Canal was given by Henry. Elevation changes between Caballo and Texas are significant and can vary from 4-8 feet. The elevation change at Drop 8 is 4-5 feet. Energy can be produced 290 days per year. Produced energy in peak time of the season will be available and this could bring 'green credit' revenue to the District.
- Water Energy Conference in Salt Lake City was brought up by Gary to attend. Motion to Send Gary by Robert Sloan, seconded by Ramon Alvarez. Motion carried.

Steve Hernandez gave the legal update and discussed the following topics:

- LRR 236 - Trails Act MOU/JPA w/CLC - This mater is on the CLC commission meeting on the 17<sup>th</sup> of August - Closed
- LRR 259 - Revocation of Withdrawn Land - Mesilla Valley Bosque State Park-asking BOR for a swap. State Parks and BLM land august tour. BLM has approx 600

Flat Rate Discussion

Hydrology Dept. Report

Controller Report  
 Financial Fact Sheet

FFEMA Reimbursement

Project Management

Manager's Update

NWRA Conf.

NM Water Law Conf.

Low-Head Power Project update

Water Energy Conf.

Legal Update

LRR Report

- acres to give to state parks. Need permits to get storm water into drains. Bosque parks sediment plans. 3 capture ponds. Review by Flood commission, OSE and EBID - remains open.
- LRR - 302 – City of El Paso/Montoya Drain – remains open.
  - LRR - 303 – Partly resolved. Section that no one wants to claim. Samantha researching to see who owns the land. QC deed. Hatch is researching - remains open.
  - LRR 304 – Lion’s gate still open. 3 lawsuits involved – remains open.
  - LRR 305 – Past and Present Private Dam Maintenance. Remains open.
  - LRR 323 - Policies, Relinquishment of Easement, Excess Real Property. Remains open.
  - LRR 325 – Deposition of Jim Kirby – will consult as needed – remains open.
  - LRR 329 – Product of Service (Copyright Policy). Low-head power copyright – work on this has been completed and passed to Gary. To be closed
  - LRR 330 – Vendor Payment Problems – Steve Hubert is working with Gail on this matter. Remains open.
  - LRR 333 – Enforcement of violators taking water illegally. Josh Smith is working on this. Remains open.
  - LRR 334 – Setting up Small Flood Control Districts – Samantha Barncastle is working on this matter. Remains open.
  - LRR 335 – Redistricting Voting Precincts – Attorneys completed work and gave Henry parameters under NM State Statute. To be closed.
  - LRR 336 – FERC Exemption – Low-head power plants. Remains open.
  - LRR 337 – EPEC Contamination Study – Memo sent. EPEC is responsible for clean up. Remains open.

Motion to break for lunch by Robert Faubion, seconded by Ramon Alvarez. Motion carried. Willie Koenig motioned and Ramon Alvarez seconded to return to open.

Lunch Break

Ramon Alvarez motioned and Robert Faubion 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:

Open/Closed Session

- A. State ex. rel. D’Antonio vs. EBID CV 96-888 (Stream Adj.)
- B. AWRM Amicus Appeal Brief
- C. Intervention on Parasol Dairy NMED Permit (LRR 289)

Following closed session, Bill Gary motioned and Ramon Alvarez seconded to return to open session.

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

Adjourn

The next meeting of the Board of Directors will be held Wednesday, October 14, 2009.

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JAMES SALOPEK, President

WILLIE KOENIG, Secretary