

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING**

February 10, 2010

<p>The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, February 10, 2010. The meeting was called to order by President James Salopek on a motion by Joe Nelson motioned, seconded by Robert Sloan. Motion carried. Jerry Franzoy was absent.</p>	Roll Call
<p>EBID personnel present were Henry Magallanez, Engineering Supervisor; James Narvaez, Hydrology Director; Gail Norvell, Controller; Linda Armijo, Land Specialist; Ricardo Bejarano, Water Master; Valerie Beversdorf, CR & GIS Director and Leo Barrett, Maintenance Project Director.</p>	
<p>Also present were Steve Hernandez and Steve Hubert, Hubert & Hernandez, P.A.; Calvin Chavez and Rasool Ahadi, OSE; Hillary Brinegar and Bud Starnes, NM Dept of Ag.; Jerry Nivens, Caballo Soil and Water; Chuck George, Constituent; Bert Cortez, BOR, Brent Tanzy, BOR; Lorenzo Arriaga, BOR; Chat Sells, Logos Development, Inc.; Bill Rowher, BOR; David Madrid, Constituent; Richard Llanez, Constituent; Frank Mesa, constituent; and Salim Bawazir, NMSU Dept. of Engineering.</p>	
<p>Ramon Alvarez read the oath of office and was sworn in for a four year term beginning January 1, 2010 and ending December 31, 2013.</p>	Oath of Office
<p>Tom Simpson motioned to accept the minutes of the January 13th meeting with corrections. Robert Sloan seconded. Motion carried.</p>	Minutes Approval
<p>The calendar was discussed. Items on the calendar for the months of February and March 2010 include: The WESTCAS Conference in Albuquerque on February 17th; NM Environmental Flows Workshop in Albuquerque on March 15th; The NWRA Conference in Washington, DC on March 22nd; and the RGCC Conference in Alamosa, CO on March 26th.</p>	Calendar of Events
<p>Mr. Jerry Nivens of the Caballo Outstanding National Resource Waters (ONRW) came before the Board to talk about the ONRW. The Caballo ONRW presented a submission for ONRW Status to the New Mexico Water Quality Control Commission for all the Caballo area, starting at the north end of Caballo Lake State Park and proceeding south to Percha Diversion Dam. This will give the area much more protection from those that would destroy it, such as the ongoing 2 year battle to keep Para Sol Dairy out of the drainage in Percha Creek. Mr. Nivens asked that the board understand and support the group's efforts. Robert Faubion motioned and Jerry Franzoy seconded to take this matter under advisement. Motion carried.</p>	Caballo ONRW Presentation
<p>Leo Barrett, Maintenance Project Director, gave the Maintenance Department update. He reported that crews were continuing canal cleaning in the central and south areas. Eighteen canals have been cleaned with six to go. In the South, nine canals and three drains and wasteway 31 have been cleaned.</p>	Maintenance Dept. Update
<p>Leo reported that gate replacement is ongoing throughout the District. Crews are sand blasting and recoating gates to keep them in good shape and keep the rust down. The Seldon drain in-line storage project will be completed in a couple of weeks and all jobs will be completed by the end of February 2010. He said that crews had poured 520 CY of concrete during this maintenance season. Lastly, Leo reported that the spray crews would begin spraying the next week for mustard and curly dock.</p>	
<p>Gail Norvell, Controller, gave the financial report. The Financial Fact Sheet for the month of January, 2010, is as follows: Cash in the bank totaled \$1,106,409; assessments receivable totaled \$2,805,010; and investments totaled \$4,469,657 for a grand total of \$8,381,076. This amount reflects an increase in assets of \$428,339 over January, 2009. Extraordinary receipts were: Special use fees \$7,371. Also presented was the financial statement for the month of December, 2009.</p>	Controller Report Financial Fact Sheet
<p>Contract Renewal for Lobbyist Consultant, Kris Polly was presented. Robert Faubion motioned and Scott Adams seconded to approve the contract renewal. Motion carried.</p>	Contract Renewal
<p>Mr. Hubert asked Gail if she was aware of the February 9th article in the Albuquerque Journal the state investment pool. The article stated that the pool is not Federal Deposit insured. Gail will report back to the Board after investigation.</p>	
<p>Ms. Norvell updated the Board on the Employee Advisory Committee regarding the s on the sick leave bank and the PERA services, April 5th.</p>	EAC Update

Henry Magallanez presented the special use permits for the month of February, 2010.

License List for Special-Use-Permits for February 10, 2010 Board Meeting		
Non-Moratorium		
Licensee	Assessment	Fees Requested to be Waived
2010-L-001 BNSF Construct, operate, and maintain a 6'x6' control house for RR crossing on the ROW of the East Side Canal at approx. STA# 294+27.	\$769.50	Waive fees \$769.50 Shared ROW
2010-L-003 John Clayshulte Jr. Construct, operate, and maintain a harvest gate crossing the ROW of the right bank of the West Drain at STA# 713+71	\$1,666.67	Waive fees \$1,666.67 Farm use
2010-L-005 New Mexico Gas Company Construct, operate, and maintain an underground gas line crossing the Three Saints Lateral at STA# 14+59	\$2,916.67	
2010-L-006 EPEC Construct, operate, and maintain a secondary aerial power line crossing the Montoya C Lateral at approx. STA# 80+00	\$3,166.67	
2010-L-022 Bill Porter Construct, operate, and maintain a 2" gas line crossing the Hatch Drain at approx. STA# 52+00	\$3,416.67	Waive fees \$3,416.67 Farm use
Subtotal	\$11,936.18	\$5,852.84
Total Assessments	\$6,083.34	

Robert Faubion motioned to approve all licenses as presented. Joe Nelson seconded the motion. Motion carried.

James Narvaez, Hydrology Director, and Ricardo Bejarano, Water Master, reported on water and the opening of the 2010 irrigation season. James said that he estimated receiving the 100,000 A/F credit from the New Mexico Relinquishment. He felt that the Rio Grande Compact Commissioner for New Mexico was waiting for the updated runoff report to be complete prior to giving the credit relinquishment to Texas.

James reported that the allocation stood at 6.7" as of the date of the meeting. If we receive the credit, it will be raised to 11.1". His recommendation was to start off with a 12" allotment for the beginning of the season.

Ricardo said that El Paso Number 1 was planning to release on the 3rd of March and Mexico would follow on either the 8th or 9th of March. EP#1 is ordering 300 AF to start and it would all be in the river. He also reported that EBID personnel were burning the canal system now in preparation for the start of the season.

Discussion followed on when the District would start. It was decided that we would wait until the March 10th Board meeting for the final decision, but that there was no need for water before the 15th of March as the fields were currently too wet.

Willie Koenig motioned and Tom Simpson seconded to begin the season with 12" allotment. Motion carried. The water records office will open March 1st to start taking orders and anticipate starting the season around the 20th of March.

Bert Cortez, Brent Tanzy of the BOR and Salim Bawizir of NMSU gave a presentation on a project to kill salt cedar in the upper reaches of Caballo Reservoir. The plan is to increase the amount of water in the reservoir for 70 days to a height higher than the tops of the salt cedar. It takes 70 days to completely kill the salt cedar by drowning it. The Bureau is looking for EBID support for this project. The Board said that they would like to meet with EP#1 and see what they had to say prior to making any decision.

Engineering
 Report
 Special Use
 Permits

Hydrology
 and
 Operations
 Departments
 Update

Salt Cedar
 Project

<p>Robert Sloan motioned and Joe Nelson seconded to break for lunch. Motion carried. Following lunch, Robert Sloan motioned and Tom Simpson seconded to reconvene the meeting. Motion carried.</p>	<p>Lunch Break</p>
<p>Gary Esslinger discussed the Law of the Rio Grande conference to be held in Santa Fe in March. Ramon Alvarez motioned to send Robert Faubion and Gary Esslinger to the meeting. Joe Nelson seconded. Motion carried.</p>	<p>Manager's Update</p>
<p>Gary discussed a Water Smart workshop put on by the Department of Interior to be held in Henderson, Nevada which would focus on US BOR Grants and River Basin Study. Joe Nelson motioned and Ramon Alvarez seconded to send Gary to the workshop. Motion carried.</p>	<p>WaterSmart Workshop</p>
<p>Gary reported that he would be testifying before the Senate Energy & Natural Resources Committee panel on S.Bill 1689 at the Wilderness Act Field Hearing. The hearing will be conducted before Sen. Jeff Bingaman and Sen. Tom Udall and its purpose was to get local input on the Act that has been proposed. The hearing is on February 15th and Gary's testimony will be about water concerns.</p>	<p>S.Bill 1689</p>
<p>Gary reported that Sen. Jeff Bingaman and BOR Commissioner Mike Conner would be in Las Cruces on the 16th and would tour the Districts hydro power project site at Drop 8. Gary asked that the Executive Committee attend if possible.</p>	<p>Hydro Power Site Visit</p>
<p>Gary discussed the Western Coalition of Arid States conference to be held in Albuquerque on the 17th of February. Ramon Alvarez motioned and Joe Nelson seconded to send Gary to the conference. Motion carried.</p>	<p>WESTCAS Conference</p>
<p>The Rio Grande Compact Commission annual meeting will be held in Alamosa, Colorado on March 26th. Motion to send Gary, Steve Hubert and board members who want to attend was made by Tom Simpson, seconded by Joe Nelson. Motion carried.</p>	<p>RGCC Annual Meeting</p>
<p>Steve Hernandez updated the Board on legal matters, LRR 336 –FERC license through conduit exemption. Lots of bureaucracy and expense. Can't afford if so. Show to Bingaman. Maybe he can help.</p>	<p>Legal Update</p>
<p>Ramon Alvarez motioned and Joe Nelson 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: State ex. rel. D'Antonio vs. EBID CV 96-888 (Stream Adj.) AWRM Amicus Appeal Brief Denial of Parasol Dairy NMED Permit (LRR 289) Notice of Withdrawal of Triennial Review Proposed Changes Verde Realty Operating Partnership.</p>	<p>Open/Closed Session</p>
<p>Following closed session, Tom Simpson motioned and Scott Adams seconded to return to open session.</p>	
<p>There being no further business, Bobby Sloan motioned and Willie Koenig seconded to adjourn the meeting. Motion carried.</p>	<p>Adjourn</p>
<p>The next meeting of the Board of Directors will be held on Wednesday, March 10, 2010.</p>	

JAMES SALOPEK, President

WILLIE KOENIG, Secretary