

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
MARCH 10, 2010**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, March 10, 2010. The meeting was called to order by President James Salopek on a motion by Joe Nelson motioned, seconded by Ramon Alvarez. Motion carried. All members were present.

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.

Also present were Steve Hernandez and Steve Hubert, Hubert & Hernandez, P.A; Dustin Leonard, GIS Specialist; Adrienne Widmer, CLC Attorney; Sammy Singh and Andy Jacquez, EBID Constituents; James Powell, of the BOR, T or C office; Eric Fuchs, Office of the State Engineer; Karl Wood, Water Resource Research Institute; John Hernandez, Water Quality Consultant; and Marvin Tessneer of the Las Cruces Bulletin.

Jerry Franzoy motioned to accept the minutes of the February 10th meeting with corrections. Robert Sloan seconded. Motion carried.

The Water Transfer Hearing minutes were approved on a motion by Joe Nelson, seconded by Robert Sloan. Motion carried.

The calendar was discussed. Items on the calendar for the months of March and April 2010 include: 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; and the Water Shed and Dam Conference in Albuquerque in April.

Henry Magallanez presented the special use permits for the month of March, 2010 and recommended approval of all licenses as presented.

Roll Call

Minutes
Approval

Calendar of
Events

Engineering
Report
Special Use

License List for Special-Use-Permits for March 10, 2010 Board Meeting			
Non-Moratorium			
Licensee	Assessment	Fees Requested to be Waived	
2010-L-002 QWEST			
To construct and maintain an aerial line crossing the Eastside Canal at STA# 501+56	\$1,530.05		
2010-L-024 Marcos and Joyce Montes		Existing crossing	
To use and maintain an existing vehicle crossing on the Chamberino East Lateral at approx. STA# 275+00 to access mailbox.	\$1,666.67	\$1,666.67	
2010-L-027 QWEST	\$1,550.05		
To construct and maintain a underground fiber optic			

Permits

2010-L-028 Ed DeRuyter			
To pump in and take out of the Kilgore Lateral from STA# 15+74 to STA# 27+11	\$50.00		
Subtotal	\$4,796.77	\$1,666.67	
Total Assessments	\$3,130.10		

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

Henry presented a list of well permits to be amended for an additional three (3) years. Robert Sloan motioned and Robert Faubion seconded to amend the permits for an additional three year term. Motion carried.

Henry introduced Matt Haines to the board and said that Matt was leaving to take an internship in Japan for a year. Matt was instrumental in the development of the Drop 8 pilot project and the propeller type turbine which has garnered a lot of interest across the west. Gary said that the District is now nationally known for this pilot project. The board thanked Matt for a job well done and wished him well in Japan.

Robert Sloan asked about the IBWC public meetings being held in the valley regarding surveys on levees. IBWC has received over \$19 mil in stimulus money to raise levees from the Katrina Act. The IBWC is having public meetings on the project. The Manager will invite the new commissioner, Ed Drusina to the next meeting of the Board of Directors.

Leo Barrett, Maintenance Project Director, reported that the maintenance department has one major construction project to be finished for the 2010 maintenance season and that his department will be ready for irrigation season when it begins.

Gail Norvell, Controller, gave the financial report. The Financial Fact Sheet for the month of February, 2010, is as follows: Cash in the bank totaled \$1,049,497; assessments receivable totaled \$1,764,737; and investments totaled \$4,929,520 for a grand total of \$7,743,754. This amount reflects an increase in assets of \$270,086 over February, 2009. Extraordinary receipts were: Special use fees \$7,193. Also presented was the financial statement for the month of January, 2010.

The contract for Dr. Phil King was presented for amendment to add John Hernandez as a sub contractor. Jerry Franzoy motioned and Willie Koenig seconded to approve the contract amendment. Motion carried.

The POD Management Project under the State of NM price agreement was presented for renewal. Tom Simpson motioned to approve the contract and Robert Sloan seconded. Motion carried.

Ms. Norvell updated the Board on the Employee Advisory Committee. There is a meeting scheduled for April.

Well Permits

Matt Haines

IBWC Meeting on Raising Levees1

Maintenance Update

Controller Report Financial Fact Sheet

Contract Renewal

POD Contract

EAC Update

James Narvaez, Hydrology Director, and Ricardo Bejarano, Water Master, reported on water and the opening of the 2010 irrigation season. 2010 Water year outlook. Nothing much has changed since February. EBID allotment to date 18 inches at 62 percent conveyance. Jerry Franzoy asked to increase the allotment by another 6 inches to make farmers optimistic about the potential snow runoff.

Hydrology &
Operations
Departments
Update

A decision to release New Mexico credit water would be discussed at the Rio Grande Compact Commission meeting the next week in Alamosa, Colorado. A motion to increase the allotment by additional 6 inches was raised, however, Jerry Franzoy withdrew the motion until after the Compact Commission meeting. The manager was given discretion to start the water season if orders began to come in before the next board meeting.

Richard Bejarano reported that the water orders for the north valley were coming in slowly. There were only 109 acres in the north, 71 acres in the central, and 2 acres on the Eastside Canal and 166 acres on the Westside for a total of 346 acres. 18,000 acres are needed valley wide to open the 2010 irrigation season.

Operations personnel will continue to burn and clear the laterals until the water started to flow.

Richard recommended that small tract irrigations begin the weekend of April 17 and 18, and that a schedule would be ready for the April meeting.

Johnny Parra passing. John was with the District for 31 years plus 5 years he worked with the BOR. He was the Unit 3A Head Ditchrider. Resolution of Condolence 2010-05 was presented for approval. Robert Sloan motioned and Tom Simpson seconded to present the resolution to Johnny's family. Motion carried.

Resolutions of
Condolence –

John Parra

Beverly White passing. Beverly was in water accounting at EBID in years past and a Resolution of Condolence 2010-06 to be sent to her family was presented for approval. Robert Faubion motioned and Scott Adams seconded to approve the resolution. Motion carried.

Beverly White

Gary Esslinger, Treasurer-Manager, gave the Manager's report. Topics discussed were as follows:

Manager's
Update

Gary discussed a Water Smart workshop put on by the Department of Interior that he attended in March. The program focused on US BOR Grants and River Basin Study. Topics discussed at the workshop were grants to look at climate change, river basin studies, discussion on ways to enhance water reclamation of the west through grant opportunities that would be forth coming.

Water Smart
Workshop

Gary Esslinger discussed the Law of the Rio Grande conference that he attended in Santa Fe in March. He reported on comments made by OSE/ISC regarding the Operating Agreement and that the OSE was still not satisfied about how it worked.

Law of the
RG Conf.

Field Hearing – Wilderness Act, Senate Bill 1689. Gary testified before Senators Bingaman and Udall. Tom Simpson complimented Gary on his professional statement of the facts in the hearing. Gary said that the hearing gave Bingaman a lot to think about how to address the concerns of protecting our watersheds inside a wilderness area.

Gary talked about the tour of Drop 8 that was given to Sen. Bingaman and BOR Commissioner Mike Connor and others of both offices. EBID personnel who were essential in working on the project were also in attendance. The tour went well and Sen. Bingaman was amazed at the simplicity, ingenuity and low cost of building the turbine at the Drop 8 site. It was Gary's hope that the Sen. would use his knowledge gained to help the District get a FERC (Federal Energy Regulation Commission)

exemption.

Gary discussed the Family Farm Alliance conference that he, James Salopek and Steve Hernandez attended. FFA is campaigning for more membership. They have done much to spread knowledge and assist farming in the west and represent more than 16 western states.

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.

Dr. Karl Wood from the Water Resource Research Institute was present to talk about Dr. Bobby Creel who passed away. Dr. Wood gave out paperwork to donate to a scholarship in memory of Dr. Creel. Jerry Franzoy motioned and Scott Adams seconded to approve Resolution of Condolence 2010-04 in memory of Dr. Creel. Motion carried. The Board presented Dr. Wood with a framed copy of the resolution which would also be presented to his family. Jerry Franzoy motioned and Scott Adams seconded to approve the resolution. Motion carried.

Steve Hernandez updated the Board on legal matters, LRR 305 – Past and Present Private Dam Maintenance; LRR 346 – Town of Mesilla Trails MOU; and LRR 347 – MOU for Flood Task Force will be closed.

Jerry Franzoy motioned and Bobby Sloan 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.

Following closed session, Tom Simpson motioned and Scott Adams seconded to return to open session.

There being no further business, Bobby Sloan motioned and Ramon Alvarez seconded to adjourn the meeting. Motion carried.

The next meeting of the Board of Directors will be held on Wednesday, April 14, 2010.

Lunch Break

Resolution of
Condolence –
Bobby Creel

Legal Update

Open/Closed
Session

Adjourn

JAMES SALOPEK, President

WILLIE KOENIG, Secretary