

**ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING  
APRIL 14, 2010**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, April 14, 2010. The meeting was called to order by President James Salopek on a motion by Jerry Franzoy, seconded by Scott Adams. Motion carried. Joe Nelson was absent.

Roll Call

EBID Staff present were Henry Magallanez, Engineering Supervisor; James Narvaez, Hydrology Director; Gail Norvell, Controller; Ricardo Bejarano, Water Master; Valerie Beversdorf, CR & GIS Director and Leo Barrett, Maintenance Project Director. Personnel present were Linda Armijo, Land Specialist; Dustin Leonard, GIS Specialist; Delyce Maciel, HR.

Also present were Steve Hernandez, Steve Hubert and Lee Peters, Hubert & Hernandez, P.A; Lynn Southworth, Ted Argeanas, Keith Franzoy and Sam Prieto, EBID Constituents; James Powell, Bert Cortez and Lorenzo Arriaga, BOR; Barbara Coulter, NM Dept of Game and Fish; Debbie Gray, Kriegel/Gray/Shaw & Co, P.C., Auditor; Calvin Chavez, OSE; and Marvin Tessneer of the Las Cruces Bulletin.

Scott Adams motioned to accept the minutes of the March 10<sup>th</sup> meeting with corrections. Robert Sloan seconded. Motion carried.

Minutes Approval

The Water Transfer Hearing minutes were approved on a motion by Robert Faubion, seconded by Scott Adams. Motion carried.

The calendar was discussed. Items on the calendar for the months of April and May 2010 include: Watershed and Dam Owners Coalition meeting in Albuquerque, NM. The next meeting of the board will be Wednesday, May 12, 2010.

Calendar of Events

Ms. Lynn Southworth came before the board to ask for reinstatement of water rights. The rights had belonged to her daughter who passed away and let water rights be suspended. Henry Magallanez recommend that she either be reclassified or attempt to purchase water rights from persons selling them. Motion by Robert Faubion to put her at the top of the reclassification list with the stipulation that she look for water to purchase. Second by Willie Koenig. Motion carried.

Reinstatement Request

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

Engineering Report

License List for Special-Use-Permits for April 14, 2010 Board Meeting

Non-Moratorium

Licensee	Assessment	Fees Requested to be Waived
<b>2010-L-029 Todd Parco</b>		
To use and maintain an existing vehicle crossing on the Hatch Drain at approx. STA# 360+00	\$3,416.67	\$3,416.67
<b>2010-L-30 Keith and Sheri Franzoy</b>		
To use and maintain an existing vehicle crossing on the Hatch Canal at approx. STA# 834+00	\$1,666.67	\$1,666.67
Subtotal	\$5,083.34	\$5,083.34
<b>Total Assessments</b>		<b>\$0.00</b>

Special Use Permits

Jerry Franzoy motioned to approve all licenses as presented. Robert Faubion seconded the motion. Motion carried.

Leo Barrett, Maintenance Project Director, gave an update for the maintenance department. He discussed the Rotary mulcher mower. It will cost approximately \$6-7,000 to ship it here for 1 week with an operator. EP#1 was the only other entity to reply to the District's cost sharing request and they cannot participate, but want to see the machine in action. Tom Simpson said that \$6-7,000 was a lot of money to try out a piece of equipment and it might be better to just buy the mulcher mower. The mower can cut down salt cedar with trunks several inches thick. Leo was asked to check again to see if the price of bring the equipment here would offset the work that was done with while the rotary mulcher was in our area.

Maintenance Update

Debbie Gray of Kriegel/Gray/Shaw and Co. P.C. reported on the District's FY 2008-09 audit for the year ending October 31, 2009. Ms. Gray reported a clean audit with no compliance or internal control findings.

FY 2008-09 Audit Report

Gail Norvell, Controller, gave the financial report. The Financial Fact Sheet for the month of March, 2010, is as follows: Cash in the bank totaled \$931,430; assessments

Controller Report Financial Fact Sheet

receivable totaled \$979,189; and investments totaled \$5,429,928 for a grand total of \$7,340,547. This amount reflects an increase in assets of \$538,982 over March, 2009. No extraordinary costs or receipts were reported for the month of March. Also presented was the financial statement for the month of February, 2010.

Gail updated the Board on the Employee Advisory Committee. Delyce Maciel and Raul Olivez attended this meeting on behalf of the EAC. EAC has a meeting scheduled for April.

James Narvaez, Hydrology Director, reported on water and the opening of the 2010 irrigation season. James reported that the runoff still has not begun for the year and that credit water has not yet been released. As of the date of the meeting the allocation stands at 117,695 or 9.7 inches. The District's balance is 76,000 AF.

Relinquishment of 40,000 AF would bring the allotment up to 140,000 AF which is equal to 11.5 inches. The Board discussed the fact that it would be a gamble to increase the allotment until there was a better forecast for snow pack runoff.

Jerry Franzoy motioned that the allotment be increased an additional 12 inches at this time. Scott Adams seconded the motion. Upon roll call vote of the motion, Jerry Franzoy and Scott Adams voted aye; Robert Faubion, Tom Simpson, Willie Koenig, Robert Sloan and Ramon Alvarez voted No. Motion failed.

Richard Bejarano, Water Master, gave the Operations Department report to date as follows: Farm Deliveries, 576; Acres Irrigated, 9431; AF charged to farmers, 5666; Actual Total Diversion, 13101; Balance, 76198; 0 breaks and 0 runovers. Total breaks for year, 1, and total runovers, 0. 2009 Delivery efficiency was not reported as compared to 49% in 2009.

Richard Bejarano began discussion of the 48 hour overtime shift proposal. He stated that this proposal was an effort to reduce costs and save jobs. The District will hire temporary seasonal workers and save money using a combination of regular and seasonal employees scheduled for 48-hour work weeks.

Tom Simpson said that he wants the water delivered efficiently and in the least expense way possible and he supports the plan if it works. If it doesn't work, then it will need to be revised and the District will need to look at other ways to cut expenses. He asked that all departments be included in cost savings. He ended by saying that he supports the decision to use the 48-hour shift proposal and asked if Hydrology could be used to fill the gaps rather than hiring seasonal workers. Gary said that Hydrology department had also reduced its overtime and cut costs by reorganizing the duties of their employees to take on more responsibilities. Gary also said that the Maintenance Department has reduced employees and seasonal employees have been hired to help with the mowing season. Robert Sloan asked that the District pay attention to Units 5A, 5B and 6A to insure sufficient coverage and that the overtime reduction be for the entire district. He stated that he is concerned with the morale of employees. He asked that the District revise the vehicle allowance if warranted. Gary concluded that his goal was to incorporate efficiencies and cut expenditures while delivering high quality, reliable service from every department. Gary preferred to save jobs and keep veteran employees and agreed to look at future opportunities for all District employees.-

Robert Sloan motioned and Willie Koenig seconded to break for lunch. Motion carried. Following lunch, Robert Sloan motioned and Tom Simpson seconded to reconvene the meeting. Motion carried.

Barbara Coulter of the NM Department of Game and Fish spoke to the Board regarding a New Mexico Aquatic Invasive Species Management Plan for the Quagga Mussels as prepared by the NM AIS Advisory Council. The Management plan was formulated to keep the Zebra and Quagga Mussels out of New Mexico reservoirs. She was concerned of the lack of funding by the State and the BOR to protect Elephant Butte and Caballo from this invasive species that was already in all the states surrounding New Mexico. The Board agreed that a letter should be sent to the BOR putting them on notice that they need to alert the NM State Parks that EBID wanted tort claims protection if State Parks allowed this Quagga Mussel to invade Elephant Butte and Caballo reservoirs.

James Powell of the US BOR came before the Board to update them on the work on the Caballo Dam Outlet and the control and monitoring system at Caballo in cooperation with EBID, so gates at Caballo could be automatically set from Elephant Butte.

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

The Family Farm Alliance wants to come to New Mexico for a fund raising event and tour of EBID facilities. The Manager will work with them to come up with a plan for the visit.

EAC Update

Hydrology Update

Allotment Discussion

Operations Report

48-Hour OT Shift Proposal

Lunch Break

Caballo Dam

Manager's Update

FFA Fund Raising Event

The Board passed a Resolution of Condolence for Dr. Narendra Gunaji who passed away April 7, 2010 on a motion by Willie Koenig, seconded by Ramon Alvarez.

Resolution of  
Condolence,  
Gunaji

Steve Hernandez updated the Board on legal matters. All LRR's remain open and are being worked on with EBID Staff.

Legal Update

Steve Hernandez reported that the Carlsbad Irrigation District had experienced a small earthquake. CID was looking at sonar images of the brine hole and trying to determine how far the cavity extends and how they will shore it up.

CID Update

Steve updated the Board on the Blue Ribbon Task Force. The next meeting is April 22<sup>nd</sup> and many of the candidates running for governor will be speaking on how they will be dealing with water issues in the state.

BRTF Update

Willie Koenig motioned and Ramon Alvarez 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

- 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 Jerry Franzoy seconded to return to open session.

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

Adjourn

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

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JAMES SALOPEK, President

WILLIE KOENIG, Secretary